

As Passed by the House

127th General Assembly

Regular Session

2007-2008

Am. 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, Adams, Book, Brady, Collier, Combs, Dolan, Domenick, Dyer, Gerberry, Goyal, Hagan, J., Harwood, Hughes, Koziura, Mallory, McGregor, J., Schindel, Setzer, Szollosi, Ujvagi, Webster, White, Widowfield, Beatty, Celeste, Coley, Fende, Heard, Letson, Luckie, Newcomb, Sykes, Williams, B.

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A B I L L

To amend sections 9.835, 105.41, 109.71, 113.061, 1
113.40, 117.13, 117.38, 120.08, 122.171, 124.152, 2
125.021, 125.04, 125.09, 125.18, 125.25, 133.08, 3
135.61, 135.63, 135.65, 135.66, 145.47, 149.30, 4
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6117.28, 6117.30, 6117.34, 6117.38, 6117.41,	46
6117.42, 6117.43, 6117.44, 6117.45, and 6117.49;	47
to amend, for the purpose of adopting new section	48
numbers as indicated in parentheses, sections	49

3323.31 (3323.33), 3323.32 (3323.34), 3323.33	50
(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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5502.68, 5703.82, 5705.199, 5721.371, 5721.381,	64
5747.082, 5749.17, 6121.045, and 6123.042; to	65
repeal sections 124.821, 3314.086, 3317.161,	66
3353.23, 3353.24, 3353.25, 3353.30, 5111.88,	67
5111.881, 5111.882, 5111.883, 5111.884, 5111.885,	68
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5111.8811, 5111.8812, 5111.8813, 5111.8814,	70
5111.8815, 5111.8816, 5111.8817, 5112.311, and	71
5739.213 of the Revised Code; to amend Sections	72
315.10 and 555.19 of Am. Sub. H.B. 67 of the 127th	73
General Assembly, to amend Sections 203.10 and	74
203.50 of Am. Sub. H.B. 67 of the 127th General	75
Assembly, as subsequently amended, to amend	76
Sections 201.10 and 512.70 of Am. Sub. H.B. 100 of	77
the 127th General Assembly, to amend Sections	78
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337.40.15, 369.10, 375.10, 379.10, 393.10, 405.10,	85
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
125.09, 125.18, 125.25, 133.08, 135.61, 135.63, 135.65, 135.66,	101
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715.73, 715.74, 901.42, 1332.04, 1346.03, 1561.011, 1561.16,	104
1561.17, 1561.23, 1561.25, 1561.26, 1565.15, 2743.49, 2921.13,	105
2935.01, 2935.03, 2949.092, 3119.023, 3301.0714, 3311.21, 3311.24,	106
3313.842, 3313.978, 3314.016, 3314.02, 3314.03, 3314.05, 3316.03,	107
3316.041, 3316.06, 3316.08, 3317.023, 3317.11, 3317.20, 3318.01,	108
3318.03, 3318.032, 3318.04, 3323.30, 3323.31, 3323.32, 3323.33,	109
3333.04, 3333.044, 3333.122, 3335.05, 3341.03, 3343.08, 3344.02,	110
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3361.02, 3364.02, 3702.71, 3702.72, 3702.73, 3702.74, 3702.75,	113
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4117.09, 4117.14, 4117.15, 4123.26, 4123.32, 4123.37, 4123.54,	116
4131.03, 4301.355, 4301.421, 4301.424, 4301.432, 4301.47, 4301.62,	117
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4752.04, 4752.05, 4752.06, 4752.07, 4752.11, 4752.12, 4752.13,	121
4928.142, 5101.5211, 5101.5212, 5101.5213, 5101.5214, 5101.5215,	122
5101.572, 5101.80, 5111.032, 5111.091, 5111.31, 5111.941, 5112.31,	123
5112.37, 5123.0412, 5123.196, 5123.36, 5525.01, 5703.19, 5703.21,	124
5703.57, 5705.194, 5705.214, 5705.29, 5709.121, 5721.30, 5721.31,	125
5721.32, 5721.33, 5721.34, 5721.35, 5721.36, 5721.37, 5721.38,	126
5721.39, 5721.40, 5721.41, 5721.42, 5721.43, 5727.85, 5739.01,	127
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6117.01, 6117.011, 6117.012, 6117.04, 6117.05, 6117.06, 6117.25,	131
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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5111.878, 5111.879, 5112.371, 5501.09, 5502.68, 5703.82, 5705.199, 145
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

148

Sec. 9.835. (A) As used in this section: 149

(1) "Energy price risk management contract" means a contract 150
that ~~mitigates~~ is intended to mitigate, for the term of the 151
contract, the price volatility of energy sources, including, but 152
not limited to, a contract or futures contract for natural gas, 153
gasoline, oil, and diesel fuel, and that is a budgetary and 154
financial tool only and not a contract for the procurement of an 155
energy source. 156

(2) "Political subdivision" means a county, city, village, 157
township, park district, ~~or~~ school district, or regional transit 158
authority. 159

(3) "State entity" means the general assembly, the supreme 160
court, the court of claims, the office of an elected state 161
officer, or a department, bureau, board, office, commission, 162
agency, institution, or other instrumentality of this state 163
established by the constitution or laws of this state for the 164
exercise of any function of state government, but excludes a 165
political subdivision, an institution of higher education, the 166
public employees retirement system, the Ohio police and fire 167
pension fund, the state teachers retirement system, the school 168
employees retirement system, the state highway patrol retirement 169
system, or the city of Cincinnati retirement system. 170

(4) "State official" means the elected or appointed official, 171
or that person's designee, charged with the management of a state 172
entity. 173

(B) If it determines that doing so is in the best interest of 174

the state entity or the political subdivision, and subject to, 175
respectively, state or local appropriation to pay amounts due, a 176
state official or the legislative or other governing authority of 177
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 senate, appointed by the current president of the senate. If the current president of the senate, in the current president's discretion, decides for any reason not to make the appointment or if no person is eligible or available to serve, the seat shall remain vacant.

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

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

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

(C) The board shall hold meetings in a manner and at times

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 271
grounds. 272

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

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

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

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

Sec. 109.71. There is hereby created in the office of the attorney general the Ohio peace officer training commission. The commission shall consist of nine members appointed by the governor with the advice and consent of the senate and selected as follows: one member representing the public; two members who are incumbent sheriffs; two members who are incumbent chiefs of police; one

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, <u>or any other device or method for making an</u>	585
<u>electronic payment or transfer of funds.</u>	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 devices be accepted for the payment of different types of state expenses. 609
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(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. 612
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(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. 618
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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. 622
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(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 632
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institution, issuer, or processor a copy of any such request, the 641
administrative agent shall advertise its intent to request 642
proposals in a newspaper of general circulation in the state once 643
a week for two consecutive weeks. The notice shall state that the 644
administrative agent intends to request proposals; specify the 645
purpose of the request; indicate the date, which shall be at least 646
ten days after the second publication, on which the request for 647
proposals will be mailed to financial institutions, issuers, or 648
processors; and require that any financial institution, issuer, or 649
processor, whichever is appropriate, interested in receiving the 650
request for proposals submit written notice of this interest to 651
the administrative agent not later than noon of the day on which 652
the request for proposals will be mailed. 653

Upon receiving the proposals, the administrative agent shall 654
review them and make a recommendation to the board of deposit 655
regarding which proposals to accept. The board of deposit shall 656
consider the agent's recommendation and review all proposals 657
submitted, and then may choose to contract with any or all of the 658
entities submitting proposals, as appropriate. The board of 659
deposit shall provide any financial institution, issuer, or 660
processor that submitted a proposal, but with which the board does 661
not enter into a contract, notice that its proposal is rejected. 662

(D) The board of deposit shall send a copy of the resolution 663
adopted under division (B) of this section to each state elected 664
official and state entity authorized to accept payments for state 665
expenses by financial transaction device. After receiving the 666
resolution and before accepting such payments by financial 667
transaction device, such a state elected official or state entity 668
shall provide written notification to the administrative agent of 669
the official's or entity's intent to implement the resolution 670
within the official's or entity's office. Each state office or 671
entity subject to the board's resolution adopted under division 672

(B) of this section shall use only the financial institutions, 673
issuers of financial transaction devices, and processors of 674
financial transaction devices with which the board of deposit 675
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
convenience fee that may be imposed upon a person making payment
by a financial transaction device. The surcharge or convenience
fee shall not be imposed unless authorized or otherwise permitted
by the rules prescribed under a contract, between the financial
institution, issuer, or processor and the administrative agent,
governing the use and acceptance of the financial transaction
device.

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

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

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

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

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

(F) If a person elects to make a payment by a financial
transaction device and a surcharge or convenience fee is imposed,

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

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

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

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

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

(5) "Project site" means an integrated complex of facilities in this state, as specified by the tax credit authority under this

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 1050
Revised Code, and includes services in wireless, wireline, cable, 1051
broadband, internet protocol, and satellite. 1052

(10)(a) "Applicable difference" means the difference between 1053
the tax for the tax year under Chapter 5733. of the Revised Code 1054
applying the law in effect for that tax year, and the tax for that 1055
tax year if section 5733.042 of the Revised Code applied as that 1056
section existed on the effective date of its amendment by Am. Sub. 1057
H.B. 215 of the 122nd general assembly, September 29, 1997, 1058
subject to division (A)(10)(b) of this section. 1059

(b) If the tax rate set forth in division (B) of section 1060
5733.06 of the Revised Code for the tax year is less than eight 1061
and one-half per cent, the tax calculated under division 1062
(A)(10)(a) of this section shall be computed by substituting a tax 1063
rate of eight and one-half per cent for the rate set forth in 1064
division (B) of section 5733.06 of the Revised Code for the tax 1065
year. 1066

(c) If the resulting difference is negative, the applicable 1067
tax difference for the tax year shall be zero. 1068

(B) The tax credit authority created under section 122.17 of 1069
the Revised Code may grant tax credits under this section for the 1070
purpose of fostering job retention in this state. Upon application 1071
by an eligible business and upon consideration of the 1072
recommendation of the director of budget and management, tax 1073
commissioner, and director of development under division (C) of 1074
this section, the tax credit authority may grant to an eligible 1075
business a nonrefundable credit against the tax imposed by section 1076
5733.06 or 5747.02 of the Revised Code for a period up to fifteen 1077
taxable years and against the tax levied by Chapter 5751. of the 1078

Revised Code for a period of up to fifteen calendar years 1079
provided, however, that if the project site is leased, the term of 1080
the tax credit cannot exceed the lesser of fifteen years or 1081
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 1114
retain jobs in this state may apply to the tax credit authority to 1115
enter into an agreement for a tax credit under this section. The 1116
director of development shall prescribe the form of the 1117
application. After receipt of an application, the authority shall 1118
forward copies of the application to the director of budget and 1119
management, the tax commissioner, and the director of development, 1120
each of whom shall review the application to determine the 1121
economic impact the proposed project would have on the state and 1122
the affected political subdivisions and shall submit a summary of 1123
their determinations and recommendations to the authority. 1124

(D) Upon review of the determinations and recommendations 1125
described in division (C) of this section, the tax credit 1126
authority may enter into an agreement with the taxpayer for a 1127
credit under this section if the authority determines all of the 1128
following: 1129

(1) The taxpayer's capital investment project will result in 1130
the retention of full-time employment positions in this state. 1131

(2) The taxpayer is economically sound and has the ability to 1132
complete the proposed capital investment project. 1133

(3) The taxpayer intends to and has the ability to maintain 1134
operations at the project site for at least ~~twice~~ the greater of 1135
(a) the term of the credit plus three years, or (b) seven years. 1136

(4) Receiving the credit is a major factor in the taxpayer's 1137
decision to begin, continue with, or complete the project. 1138

(5) The political subdivisions in which the project is 1139
located have agreed to provide substantial financial support to 1140
the project. 1141

(E) An agreement under this section shall include all of the 1142
following: 1143

(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 1206
position from one political subdivision to another political 1207
subdivision shall be considered a relocation of an employment 1208
position unless the movement is confined to the project site. The 1209
transfer of an individual employee from one political subdivision 1210
to another political subdivision shall not be considered a 1211
relocation of an employment position as long as the individual's 1212
employment position in the first political subdivision is 1213
refilled. 1214

(9) A waiver by the taxpayer of any limitations periods 1215
relating to assessments or adjustments resulting from the 1216
taxpayer's failure to comply with the agreement. 1217

(F) If a taxpayer fails to meet or comply with any condition 1218
or requirement set forth in a tax credit agreement, the tax credit 1219
authority may amend the agreement to reduce the percentage or term 1220
of the credit. The reduction of the percentage or term shall take 1221
effect (1) in the taxable year immediately following the taxable 1222
year in which the authority amends the agreement or the director 1223
of development notifies the taxpayer in writing of such failure, 1224
or (2) in the first tax period beginning in the calendar year 1225
immediately following the calendar year in which the authority 1226
amends the agreement or the director notifies the taxpayer in 1227
writing of such failure. If the taxpayer fails to annually report 1228
any of the information required by division (E)(6) of this section 1229
within the time required by the director, the reduction of the 1230
percentage or term may take effect in the current taxable year. If 1231
the taxpayer relocates employment positions in violation of the 1232
provision required under division ~~(D)(8)(a)~~(E)(8)(a) of this 1233
section, the taxpayer shall not claim the tax credit under section 1234
5733.0610 of the Revised Code for any tax years following the 1235
calendar year in which the relocation occurs, shall not claim the 1236

tax credit under section 5747.058 of the Revised Code for the 1237
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 Code, or any other business entity through which income flows as a distributive share to its owners. A partnership, S-corporation, or other such business entity may elect to pass the credit received under this section through to the persons to whom the income or profit of the partnership, S-corporation, or other entity is distributed. The election shall be made on the annual report required under division (E)(6) of this section. The election applies to and is irrevocable for the credit for which the report is submitted. If the election is made, the credit shall be apportioned among those persons in the same proportions as those in which the income or profit is distributed.

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

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

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

~~(3) If the taxpayer maintained operations at the project site~~

~~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 1397
applicable schedule E-1 for step seven only, provided that the 1398
appointing authority so notifies the director of administrative 1399
services in writing at the time the employee is appointed to that 1400
position. 1401

(B) Beginning on the first day of the pay period that 1402
includes July 1, 2006, each exempt employee who must be paid in 1403
accordance with schedule E-1 or schedule E-2 of this section shall 1404
be paid a salary or wage in accordance with the following schedule 1405
of rates: 1406

Schedule E-1 1407

Pay Ranges and Step Values 1408

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

	Annually	35734	37586	39437	41392	43514		1493
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 this section, beginning on the first day of the pay period that includes July 1, 2008, 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 1538

Pay Ranges and Step Values 1539

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
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 <u>Except as otherwise provided in division (I) of</u>			1640
<u>this section, beginning</u> 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 1687
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

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

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

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

Nothing in this division precludes the bureau from entering 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

~~(e)~~(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 1777
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 1876
mined in the United States rather than in another country or 1877
territory; 1878

(2) Criteria for determining that a product is produced or 1879
mined in Ohio; 1880

(3) Information to be submitted by bidders as to the nature 1881
of a product and the location where it is produced or mined; 1882

(4) Criteria and procedures to be used by the director to 1883
qualify bidders located in states bordering Ohio who might 1884
otherwise be excluded from being awarded a contract by operation 1885
of this section and section 125.11 of the Revised Code. The 1886
criteria and procedures shall recognize the level and regularity 1887
of interstate commerce between Ohio and the border states and 1888
provide that the non-Ohio businesses may qualify for award of a 1889
contract as long as they are located in a state that imposes no 1890
greater restrictions than are contained in this section and 1891
section 125.11 of the Revised Code upon persons located in Ohio 1892
selling products or services to agencies of that state. The 1893
criteria and procedures shall also provide that a non-Ohio 1894
business shall not bid on a contract for state printing in this 1895
state if the business is located in a state that excludes Ohio 1896
businesses from bidding on state printing contracts in that state. 1897

(5) Criteria and procedures to be used to qualify bidders 1898
whose manufactured products, except for mined products, are 1899
produced in other states or in North America, but the bidders have 1900
a significant Ohio economic presence in terms of the number of 1901
employees or capital investment a bidder has in this state. 1902
Bidders with a significant Ohio economic presence shall qualify 1903
for award of a contract on the same basis as if their products 1904

were produced in this state. 1905

(6) Criteria and procedures for the director to grant waivers 1906
of the requirements of division (B) of section 125.11 of the 1907
Revised Code on a contract-by-contract basis where compliance with 1908
those requirements would result in the state agency paying an 1909
excessive price for the product or acquiring a disproportionately 1910
inferior product; 1911

(7) Such other requirements or procedures reasonably 1912
necessary to implement the system of preferences established 1913
pursuant to division (B) of section 125.11 of the Revised Code. 1914

In adopting the rules required under this division, the 1915
director shall, to the maximum extent possible, conform to the 1916
requirements of the federal "Buy America Act," 47 Stat. 1520, 1917
(1933), 41 U.S.C.A. 10a-10d, as amended, and to the regulations 1918
adopted thereunder. 1919

Sec. 125.18. (A) There is hereby established the office of 1920
information technology ~~housed~~ within the department of 1921
administrative services. The office shall be under the supervision 1922
of a state chief information officer to be appointed by the 1923
~~governor~~ director of administrative services and subject to 1924
removal at the pleasure of the ~~governor~~ director. The chief 1925
information officer ~~shall serve as the~~ is an assistant director of 1926
~~the office~~ administrative services. 1927

(B) ~~The director of the office of information technology~~ 1928
~~shall advise the governor regarding the superintendence and~~ 1929
~~implementation of statewide information technology policy.~~ 1930

~~(C) The director of the office of information technology~~ 1931
Under the direction of the director of administrative services, 1932
the state chief information officer shall lead, oversee, and 1933
direct state agency activities related to information technology 1934

development and use. In that regard, the ~~director~~ state chief 1935
information officer shall do all of the following: 1936

(1) Coordinate and superintend statewide efforts to promote 1937
common use and development of technology by state agencies. The 1938
office of information technology shall establish policies and 1939
standards that govern and direct state agency participation in 1940
statewide programs and initiatives. 1941

(2) Establish policies and standards for the acquisition and 1942
use of information technology by state agencies, including, but 1943
not limited to, hardware, software, technology services, and 1944
security, with which state agencies shall comply; 1945

(3) Establish criteria and review processes to identify state 1946
agency information technology projects or purchases that require 1947
alignment or oversight. As appropriate, the ~~office of information~~ 1948
~~technology~~ department of administrative services shall provide the 1949
governor and the director of budget and management with notice and 1950
advice regarding the appropriate allocation of resources for those 1951
projects. The ~~director of the office of information technology~~ 1952
state chief information officer may require state agencies to 1953
provide, and may prescribe the form and manner by which they must 1954
provide, information to fulfill the ~~director's~~ state chief 1955
information officer's alignment and oversight role; 1956

(4) Establish policies and procedures for the security of 1957
personal information that is maintained and destroyed by state 1958
agencies; 1959

(5) Employ a chief information security officer who is 1960
responsible for the implementation of the policies and procedures 1961
described in division ~~(C)~~(B)(4) of this section and for 1962
coordinating the implementation of those policies and procedures 1963
in all of the state agencies; 1964

(6) Employ a chief privacy officer who is responsible for 1965

advising ~~the office of information technology~~ and state agencies 1966
when establishing policies and procedures for the security of 1967
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 refusing to provide information or documents required in a contract, failed to respond to complaints to the vendor, or accumulated repeated justified complaints regarding performance of a contract;	2027 2028 2029 2030 2031
(4) Attempted to influence a public employee to breach ethical conduct standards or to influence a contract award;	2032 2033
(5) Colluded to restrain competition by any means;	2034
(6) Been convicted of a criminal offense related to the application for or performance of any public or private contract, including, but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, and any other offense that directly reflects on the vendor's business integrity;	2035 2036 2037 2038 2039 2040
(7) Been convicted under state or federal antitrust laws;	2041
(8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract;	2042 2043 2044
(9) Violated any other responsible business practice or performed in an unsatisfactory manner as determined by the director;	2045 2046 2047
(10) Through the default of a contract or through other means had a determination of unresolved finding for recovery by the auditor of state under section 9.24 of the Revised Code;	2048 2049 2050
(11) Acted in such a manner as to be debarred from participating in a contract with any governmental agency.	2051 2052
(B) When the director reasonably believes that grounds for debarment exist, the director shall send the vendor a notice of proposed debarment indicating the grounds for the proposed debarment and the procedure for requesting a hearing on the	2053 2054 2055 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~~7~~, 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

<u>Constitution.</u>	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	2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118

contractually required special funds relating to the securities or 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
3122
3123
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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
3128
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
3131
3132
3133
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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

"

3247
3248
3249
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
inservice 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 majority 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 majority 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 serves at the 3883
pleasure of the board of county commissioners, subject to any 3884
applicable human resource regulations and civil service provisions 3885
in effect in the county at the time of the election on the issue 3886
of restructuring the form of county government, and may be removed 3887
at any time by a majority vote of the board. 3888

(D) In the event of a vacancy in any office appointed by a 3889
board of county commissioners under this section, the board may 3890
appoint an interim appointee by majority vote for a period of not 3891
more than sixty days. A replacement shall be chosen in the same 3892
manner as the original appointment within sixty days after the 3893
creation of the vacancy. The person appointed to serve as a 3894
replacement for any such office shall serve for the unexpired 3895
portion of the term. 3896

(E) The clerk of courts is not elected, but rather is 3897
appointed by and serves at the pleasure of the chief 3898

administrative judge of the court of common pleas in the county. 3899
The clerk shall have the same qualifications (except election) 3900
prescribed by law for, and shall fulfill all the duties vested by 3901
law or rule of court in, clerks of court. The clerk may be removed 3902
or replaced by the chief administrative judge at any time, with or 3903
without cause. 3904

Sec. 353.03. In submitting to the electors of the county the 3905
question of adopting a restructured form of county government, the 3906
board of elections shall submit the question in language 3907
substantially as follows: 3908

"Shall the county of adopt the 3909
restructured form of county government proposed under sections 3910
353.01 and 353.02 of the Revised Code? 3911

() For adoption of the restructured form of county 3912
government. 3913

() Against adoption of the restructured form of county 3914
government." 3915

At least forty-five days before the election, the board of 3916
county commissioners shall cause a copy of the restructured form 3917
of county government to be distributed to each elector of the 3918
county so far as may be reasonably possible. 3919

If a majority of the votes cast on the proposition of 3920
adopting a restructured form of county government is in the 3921
affirmative, then that form becomes the form of government of the 3922
county. 3923

Immediately following the election the board of elections 3924
shall file a certificate of the results with the secretary of 3925
state. 3926

The board of county commissioners and, in the case of the 3927
clerk of courts, the chief administrative judge of the court of 3928

common pleas shall make the appointments required by the 3929
restructured form of county government. The elected officers 3930
serving or elected on the date of the election at which the issue 3931
of restructuring the form of county government appears, continue 3932
to hold office until their current or newly elected terms of 3933
office expire and their successors are appointed and qualified. 3934

Sec. 353.04. A proposition to discontinue a restructured form 3935
of county government may be submitted to the electors of the 3936
county at any general election in the manner provided for the 3937
submission of a restructured form of county government under 3938
sections 353.01 and 353.03 of the Revised Code. 3939

Sec. 353.05. The adoption or discontinuance of a restructured 3940
form of county government in a county does not affect an act done, 3941
ratified, or affirmed, or a contract or other right or obligation 3942
other than contracts for personal services, accrued or 3943
established, or an action, prosecution, or proceeding, civil or 3944
criminal, pending at the time the change in form of government 3945
takes effect; nor shall the adoption or discontinuance of a 3946
restructured form of county government affect causes of action, 3947
prosecutions, or proceedings existing at the time it takes effect; 3948
but rights shall attach to, and actions, prosecutions, or 3949
proceedings may be prosecuted and continued, or instituted and 3950
prosecuted against, by, or before the department having 3951
jurisdiction or power of the subject matter to which the action, 3952
prosecution, or proceedings pertains. All rules, regulations, and 3953
orders lawfully promulgated before adoption or discontinuance of a 3954
restructured form of county government continue in force and 3955
effect until amended or rescinded as authorized by law. 3956

On the effective date of the adoption or discontinuance of a 3957
restructured form of county government causing a transfer of 3958
rights, duties, and powers from one department or office to 3959

another, all books, records, papers, documents, property, real and 3960
personal, funds, appropriations and balances of appropriations, 3961
and pending business in any way pertaining to the rights, powers, 3962
and duties shall be similarly transferred. 3963

Sec. 353.06. The board of county commissioners of a county 3964
that has adopted a restructured form of county government as 3965
provided in sections 353.01 and 353.02 of the Revised Code may 3966
enter into an agreement with the legislative authority of any 3967
municipal corporation, township, port authority, water or sewer 3968
district, school district, library district, health district, park 3969
district, soil and water conservation district, water conservancy 3970
district, or other taxing district, or with the board of county 3971
commissioners of any other county, and these legislative 3972
authorities may enter into agreements with the board, whereby the 3973
board undertakes, and is authorized by the contracting 3974
subdivision, to exercise any power, perform any function, or 3975
render any service, on behalf of the contracting subdivision or 3976
its legislative authority, which the subdivision or legislative 3977
authority may exercise, perform, or render. 3978

Upon the execution of such an agreement and within the 3979
limitations prescribed by the agreement, the board may exercise 3980
the same powers that the contracting subdivision possesses with 3981
respect to the performance of any function or the rendering of any 3982
service, which, by the agreement, it undertakes to perform or 3983
render, and all powers necessary or incidental thereto, as amply 3984
as the powers are possessed and exercised by the contracting 3985
subdivision directly. In the absence in the agreement of 3986
provisions determining by what officer, office, department, 3987
agency, or authority the powers and duties of the board shall be 3988
exercised or performed, the board shall, within the limits of this 3989
section, determine and assign such powers and duties to any 3990
officer or officers of county government, including the county 3991

fiscal officer, director of public works, medical examiner, 3992
director of corrections, and prosecuting attorney. An agreement 3993
authorized by this section shall not suspend the possession by a 3994
contracting subdivision of any power or function exercised or 3995
performed by the board under the agreement. Nor shall the board, 3996
by virtue of any agreement entered into under this section, 3997
acquire any power to levy taxes within and on behalf of a 3998
contracting subdivision unless approved by a majority of the 3999
electors of the contracting subdivision. 4000

The board of county commissioners of a county that has 4001
adopted a restructured form of county government together with the 4002
board of county commissioners of another county that has adopted a 4003
restructured form of county government or with a county that has 4004
adopted a charter may enter into a contract to create any joint 4005
agency to exercise any power, perform any function, or render any 4006
service that any board of county commissioners may exercise, 4007
perform, or render. 4008

Sec. 353.061. An agreement entered into under section 353.06 4009
of the Revised Code shall provide, either in specific terms or by 4010
prescribing a method for determining the amounts, for any payments 4011
to be made by the contracting subdivision into the county 4012
treasury, in consideration of the performance of the agreement. In 4013
cases where it is considered practicable, the agreement may 4014
provide that payment shall be made by the retention in the 4015
treasury of the amounts due from taxes collected for the 4016
contracting subdivision and the county fiscal officer shall be 4017
governed by any such provision in settling the accounts for such 4018
taxes. 4019

An agreement entered into by and between two or more boards 4020
of county commissioners shall specify the method of payment for 4021
the joint exercise of any power, the joint performing of any 4022

function, or the joint rendering of any service, which method of 4023
payment shall be authorized and binding on the counties so long as 4024
the agreement is in effect. 4025

Sec. 353.062. In the absence from an agreement entered into 4026
under section 353.06 of the Revised Code of a specification of its 4027
own duration, the agreement shall continue in effect until it is 4028
rescinded. Such an agreement, whether for a definite term or of 4029
indefinite duration, may provide for its own rescission. In the 4030
absence of any such provision, such an agreement may, at any time, 4031
be rescinded by the agreement of both parties, and may at any time 4032
be rescinded by resolution of either party to the agreement, 4033
effective at the end of the fiscal year. 4034

Sec. 353.063. An agreement entered into under section 353.06 4035
of the Revised Code may provide for the transfer to the board of 4036
county commissioners of any property, real or personal, used or 4037
useful, in the performance of functions or the rendering of 4038
services under such agreement. The transfer may include the 4039
proceeds of bonds issued or to be issued by the contracting 4040
subdivision, appropriate to the powers, functions, or services 4041
under the agreement, the proceeds to be expended by the board 4042
subject to the same conditions as would govern the contracting 4043
subdivision. The transfer may convey the absolute title to the 4044
property, subject, in the case of the disposal or encumbrance of 4045
real property by the board, to the consent of the legislative 4046
authority of the contracting subdivision; or may convey its use 4047
only, or any estate or title less than absolute; may limit the 4048
power of the board to dispose of the property; and may provide for 4049
its return, disposition, division, or distribution, in the event 4050
of the rescission or expiration of the agreement. 4051

Sec. 519.12. (A)(1) Amendments to the zoning resolution may 4052

be initiated by motion of the township zoning commission, by the 4053
passage of a resolution by the board of township trustees, or by 4054
the filing of an application by one or more of the owners or 4055
lessees of property within the area proposed to be changed or 4056
affected by the proposed amendment with the township zoning 4057
commission. The board of township trustees may require that the 4058
owner or lessee of property filing an application to amend the 4059
zoning resolution pay a fee to defray the cost of advertising, 4060
mailing, filing with the county recorder, and other expenses. If 4061
the board of township trustees requires such a fee, it shall be 4062
required generally, for each application. The board of township 4063
trustees, upon the passage of such a resolution, shall certify it 4064
to the township zoning commission. 4065

(2) Upon the adoption of a motion by the township zoning 4066
commission, the certification of a resolution by the board of 4067
township trustees to the commission, or the filing of an 4068
application by property owners or lessees as described in division 4069
(A)(1) of this section with the commission, the commission shall 4070
set a date for a public hearing, which date shall not be less than 4071
twenty nor more than forty days from the date of the certification 4072
of such a resolution, the date of adoption of such a motion, or 4073
the date of the filing of such an application. Notice of the 4074
hearing shall be given by the commission by one publication in one 4075
or more newspapers of general circulation in the township at least 4076
ten days before the date of the hearing. 4077

(B) If the proposed amendment intends to rezone or redistrict 4078
ten or fewer parcels of land, as listed on the county auditor's 4079
current tax list, written notice of the hearing shall be mailed by 4080
the township zoning commission, by first class mail, at least ten 4081
days before the date of the public hearing to all owners of 4082
property within and contiguous to and directly across the street 4083
from the area proposed to be rezoned or redistricted to the 4084

addresses of those owners appearing on the county auditor's 4085
current tax list. The failure of delivery of that notice shall not 4086
invalidate any such amendment. 4087

(C) If the proposed amendment intends to rezone or redistrict 4088
ten or fewer parcels of land as listed on the county auditor's 4089
current tax list, the published and mailed notices shall set forth 4090
the time, date, and place of the public hearing and include all of 4091
the following: 4092

(1) The name of the township zoning commission that will be 4093
conducting the hearing; 4094

(2) A statement indicating that the motion, resolution, or 4095
application is an amendment to the zoning resolution; 4096

(3) A list of the addresses of all properties to be rezoned 4097
or redistricted by the proposed amendment and of the names of 4098
owners of those properties, as they appear on the county auditor's 4099
current tax list; 4100

(4) The present zoning classification of property named in 4101
the proposed amendment and the proposed zoning classification of 4102
that property; 4103

(5) The time and place where the motion, resolution, or 4104
application proposing to amend the zoning resolution will be 4105
available for examination for a period of at least ten days prior 4106
to the hearing; 4107

(6) The name of the person responsible for giving notice of 4108
the hearing by publication, by mail, or by both publication and 4109
mail; 4110

(7) A statement that, after the conclusion of the hearing, 4111
the matter will be submitted to the board of township trustees for 4112
its action; 4113

(8) Any other information requested by the commission. 4114

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

(1) The name of the township zoning commission that will be conducting the hearing on the proposed amendment;

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

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

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

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

(6) Any other information requested by the commission.

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

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

commission on the proposed amendment. 4145

The township zoning commission, within thirty days after the 4146
hearing, shall recommend the approval or denial of the proposed 4147
amendment, or the approval of some modification of it, and submit 4148
that recommendation together with the motion, application, or 4149
resolution involved, the text and map pertaining to the proposed 4150
amendment, and the recommendation of the county or regional 4151
planning commission on it to the board of township trustees. 4152

The board of township trustees, upon receipt of that 4153
recommendation, shall set a time for a public hearing on the 4154
proposed amendment, which date shall not be more than thirty days 4155
from the date of the receipt of that recommendation. Notice of the 4156
hearing shall be given by the board by one publication in one or 4157
more newspapers of general circulation in the township, at least 4158
ten days before the date of the hearing. 4159

(F) If the proposed amendment intends to rezone or redistrict 4160
ten or fewer parcels of land as listed on the county auditor's 4161
current tax list, the published notice shall set forth the time, 4162
date, and place of the public hearing and include all of the 4163
following: 4164

(1) The name of the board of township trustees that will be 4165
conducting the hearing; 4166

(2) A statement indicating that the motion, application, or 4167
resolution is an amendment to the zoning resolution; 4168

(3) A list of the addresses of all properties to be rezoned 4169
or redistricted by the proposed amendment and of the names of 4170
owners of those properties, as they appear on the county auditor's 4171
current tax list; 4172

(4) The present zoning classification of property named in 4173
the proposed amendment and the proposed zoning classification of 4174
that property; 4175

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

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

(7) Any other information requested by the board.

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

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

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

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

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

(5) Any other information requested by the board.

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

The proposed amendment, if adopted by the board, shall become

effective in thirty days after the date of its adoption, unless, 4206
within thirty days after the adoption, there is presented to the 4207
board of township trustees a petition, signed by a number of 4208
registered electors residing in the unincorporated area of the 4209
township or part of that unincorporated area included in the 4210
zoning plan equal to not less than eight per cent of the total 4211
vote cast for all candidates for governor in that area at the most 4212
recent general election at which a governor was elected, 4213
requesting the board of township trustees to submit the amendment 4214
to the electors of that area for approval or rejection at a 4215
special election to be held on the day of the next primary or 4216
general election that occurs at least seventy-five days after the 4217
petition is filed. Each part of this petition shall contain the 4218
number and the full and correct title, if any, of the zoning 4219
amendment resolution, motion, or application, furnishing the name 4220
by which the amendment is known and a brief summary of its 4221
contents. In addition to meeting the requirements of this section, 4222
each petition shall be governed by the rules specified in section 4223
3501.38 of the Revised Code. 4224

The form of a petition calling for a zoning referendum and 4225
the statement of the circulator shall be substantially as follows: 4226

"PETITION FOR ZONING REFERENDUM 4227

(if the proposal is identified by a particular name or number, or 4228
both, these should be inserted here) 4229

A proposal to amend the zoning map of the unincorporated area 4230
of Township, County, Ohio, adopted 4231
.....(date)..... (followed by brief summary of the proposal). 4232

To the Board of Township Trustees of 4233
Township, County, Ohio: 4234

~~..... County, Ohio:~~ 4235

We, the undersigned, being electors residing in the 4236

unincorporated area of Township, included 4237
within the Township Zoning Plan, equal to not less 4238
than eight per cent of the total vote cast for all candidates for 4239
governor in the area at the preceding general election at which a 4240
governor was elected, request the Board of Township Trustees to 4241
submit this amendment of the zoning resolution to the electors of 4242
..... Township residing within the 4243
unincorporated area of the township included in the 4244
..... Township Zoning Resolution, for approval or 4245
rejection at a special election to be held on the day of the 4246
primary or general election to be held on(date)....., 4247
pursuant to section 519.12 of the Revised Code. 4248

Street Address	Date of	4249
Signature or R.F.D.	Township Precinct County Signing	4250
.....		4251
.....		4252

STATEMENT OF CIRCULATOR 4253

I,(name of circulator)....., declare under 4254
penalty of election falsification that I am an elector of the 4255
state of Ohio and reside at the address appearing below my 4256
signature; that I am the circulator of the foregoing part petition 4257
containing(number)..... signatures; that I have 4258
witnessed the affixing of every signature; that all signers were 4259
to the best of my knowledge and belief qualified to sign; and that 4260
every signature is to the best of my knowledge and belief the 4261
signature of the person whose signature it purports to be or of an 4262
attorney in fact acting pursuant to section 3501.382 of the 4263
Revised Code. 4264

..... 4265
(Signature of circulator) 4266
..... 4267
(Address of circulator's permanent 4268

residence in this state) 4269
..... 4270
(City, village, or township, 4271
and zip code) 4272

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 4273
OF THE FIFTH DEGREE." 4274

The petition shall be filed with the board of township 4275
trustees and shall be accompanied by an appropriate map of the 4276
area affected by the zoning proposal. Within two weeks after 4277
receiving a petition filed under this section, the board of 4278
township trustees shall certify the petition to the board of 4279
elections. A petition filed under this section shall be certified 4280
to the board of elections not less than seventy-five days prior to 4281
the election at which the question is to be voted upon. 4282

The board of elections shall determine the sufficiency and 4283
validity of each petition certified to it by a board of township 4284
trustees under this section. If the board of elections determines 4285
that a petition is sufficient and valid, the question shall be 4286
voted upon at a special election to be held on the day of the next 4287
primary or general election that occurs at least seventy-five days 4288
after the date the petition is filed with the board of township 4289
trustees, regardless of whether any election will be held to 4290
nominate or elect candidates on that day. 4291

No amendment for which such a referendum vote has been 4292
requested shall be put into effect unless a majority of the vote 4293
cast on the issue is in favor of the amendment. Upon certification 4294
by the board of elections that the amendment has been approved by 4295
the voters, it shall take immediate effect. 4296

Within five working days after an amendment's effective date, 4297
the board of township trustees shall file the text and maps of the 4298
amendment in the office of the county recorder and with the county 4299
or regional planning commission, if one exists. 4300

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

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

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

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

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

(c) The free-standing or attached structure is proposed to be
located in an unincorporated area of a township, in an area zoned

for residential use. 4332

(d)(i) The free-standing structure is proposed to top at a 4333
height that is greater than either the maximum allowable height of 4334
residential structures within the zoned area as set forth in the 4335
applicable zoning regulations, or the maximum allowable height of 4336
such a free-standing structure as set forth in any applicable 4337
zoning regulations in effect immediately prior to October 31, 4338
1996, or as those regulations subsequently are amended. 4339

(ii) The attached structure is proposed to top at a height 4340
that is greater than either the height of the building or other 4341
structure to which it is to be attached, or the maximum allowable 4342
height of such an attached structure as set forth in any 4343
applicable zoning regulations in effect immediately prior to 4344
October 31, 1996, or as those regulations subsequently are 4345
amended. 4346

(e) The free-standing or attached structure is proposed to 4347
have attached to it radio frequency transmission or reception 4348
equipment. 4349

(2) Sections 519.02 to 519.25 of the Revised Code confer 4350
power on a board of township trustees or board of zoning appeals 4351
with respect to the location, erection, construction, 4352
reconstruction, change, alteration, removal, or enlargement of a 4353
telecommunications tower, but not with respect to the maintenance 4354
or use of such a tower or any change or alteration that would not 4355
substantially increase the tower's height. However, the power so 4356
conferred shall apply to a particular telecommunications tower 4357
only upon the provision of a notice, in accordance with division 4358
(B)(4)(a) of this section, to the person proposing to construct 4359
the tower. 4360

(3) Any person who plans to construct a telecommunications 4361
tower in an area subject to township zoning regulations shall 4362

provide both of the following by certified mail: 4363

(a) Written notice to each owner of property, as shown on the 4364
county auditor's current tax list, whose land is contiguous to or 4365
directly across a street or roadway from the property on which the 4366
tower is proposed to be constructed, stating all of the following 4367
in clear and concise language: 4368

(i) The person's intent to construct the tower; 4369

(ii) A description of the property sufficient to identify the 4370
proposed location; 4371

(iii) That, no later than fifteen days after the date of 4372
mailing of the notice, any such property owner may give written 4373
notice to the board of township trustees requesting that sections 4374
519.02 to 519.25 of the Revised Code apply to the proposed 4375
location of the tower as provided under division (B)(4)(a) of this 4376
section. 4377

If the notice to a property owner is returned unclaimed or 4378
refused, the person shall mail the notice by regular mail. The 4379
failure of delivery of the notice does not invalidate the notice. 4380

(b) Written notice to the board of township trustees of the 4381
information specified in divisions (B)(3)(a)(i) and (ii) of this 4382
section. The notice to the board also shall include verification 4383
that the person has complied with division (B)(3)(a) of this 4384
section. 4385

(4)(a) If the board of township trustees receives notice from 4386
a property owner under division (B)(3)(a)(iii) of this section 4387
within the time specified in that division or if a board member 4388
makes an objection to the proposed location of the 4389
telecommunications tower within fifteen days after the date of 4390
mailing of the notice sent under division (B)(3)(b) of this 4391
section, the board shall request that the fiscal officer of the 4392
township send the person proposing to construct the tower written 4393

notice that the tower is subject to the power conferred by and in 4394
accordance with division (B)(2) of this section. The notice shall 4395
be sent no later than five days after the earlier of the date the 4396
board first receives such a notice from a property owner or the 4397
date upon which a board member makes an objection. Upon the date 4398
of mailing of the notice to the person, sections 519.02 to 519.25 4399
of the Revised Code shall apply to the tower. 4400

(b) If the board of township trustees receives no notice 4401
under division (B)(3)(a)(iii) of this section within the time 4402
prescribed by that division or no board member has an objection as 4403
provided under division (B)(4)(a) of this section within the time 4404
prescribed by that division, division (A) of this section shall 4405
apply to the tower without exception. 4406

(C) Sections 519.02 to 519.25 of the Revised Code confer 4407
power on a board of township trustees or board of zoning appeals 4408
with respect to the location, erection, construction, 4409
reconstruction, change, alteration, maintenance, removal, use, or 4410
enlargement of any buildings or structures of a public utility 4411
engaged in the business of transporting persons or property, or 4412
both, or providing or furnishing such transportation service, over 4413
any public street, road, or highway in this state, and with 4414
respect to the use of land by any such public utility for the 4415
operation of its business, to the extent that any exercise of such 4416
power is reasonable and not inconsistent with Chapters 4901., 4417
4903., 4905., 4909., 4921., and 4923. of the Revised Code. 4418
However, this division confers no power on a board of township 4419
trustees or board of zoning appeals with respect to a building or 4420
structure of, or the use of land by, a person engaged in the 4421
transportation of farm supplies to the farm or farm products from 4422
farm to market or to food fabricating plants. 4423

(D) Sections 519.02 to 519.25 of the Revised Code confer no 4424
power on any township zoning commission, board of township 4425

trustees, or board of zoning appeals to prohibit the sale or use 4426
of alcoholic beverages in areas where the establishment and 4427
operation of any retail business, hotel, lunchroom, or restaurant 4428
is permitted. 4429

(E)(1) Any person who plans to construct a telecommunications 4430
tower within one hundred feet of a residential dwelling shall 4431
provide a written notice to the owner of the residential dwelling 4432
and to the person occupying the residence, if that person is not 4433
the owner of the residence stating in clear and concise language 4434
the person's intent to construct the tower and a description of 4435
the property sufficient to identify the proposed location. The 4436
notice shall be sent by certified mail. If the notice is returned 4437
unclaimed or refused, the person shall mail the notice by regular 4438
mail. The failure of delivery does not invalidate the notice. 4439

(2) As used in division (E) of this section: 4440

(a) "Residential dwelling" means a building used or intended 4441
to be used as a personal residence by the owner, part-time owner, 4442
or lessee of the building, or any person authorized by such a 4443
person to use the building as a personal residence. 4444

(b) "Telecommunications tower" has the same meaning as in 4445
division (B)(1) of this section, except that the proposed location 4446
of the free-standing or attached structure may be an area other 4447
than an unincorporated area of a township, in an area zoned for 4448
residential use. 4449

Sec. 715.73. The area or areas to be included in a joint 4450
economic development district shall meet all of the following 4451
criteria: 4452

(A) The area or areas shall be located within the territory 4453
of one or more of the contracting parties and may consist of all 4454
of that territory. 4455

(B) No electors shall reside within the area or areas ~~and no~~ 4456
~~part of the area or areas shall be zoned for residential use on~~ 4457
the effective date of the contract creating the joint economic 4458
development district, as determined under section 715.77 of the 4459
Revised Code. 4460

(C) The area or areas shall not include any parcel of land 4461
owned in fee by or leased to a municipal corporation or township, 4462
unless the municipal corporation or township is a contracting 4463
party or has given its consent to have the parcel of land included 4464
in the district by the adoption of an ordinance or resolution. 4465

Sec. 715.74. (A) The contract creating a joint economic 4466
development district shall provide for the amount or nature of the 4467
contribution of each contracting party to the development and 4468
operation of the district and may provide for the sharing of the 4469
costs of the operation of and improvements for the district. The 4470
contributions may be in any form to which the contracting parties 4471
agree and may include, but are not limited to, the provision of 4472
services, money, real or personal property, facilities, or 4473
equipment. The contract may provide for the contracting parties to 4474
share revenue from taxes levied on property by one or more of the 4475
contracting parties, if those revenues may lawfully be applied to 4476
that purpose under the legislation by which those taxes are 4477
levied. The contract shall specify and provide for new, expanded, 4478
or additional services, facilities, or improvements. The contract 4479
may provide for expanded or additional capacity for or other 4480
enhancement of existing services, facilities, or improvements. 4481

(B) The contract shall enumerate the specific powers, duties, 4482
and functions of the board of directors of the district described 4483
under section 715.78 of the Revised Code and shall provide for the 4484
determination of procedures that are to govern the board. 4485

(C)(1) The contract may grant to the board the power to adopt 4486

a resolution to levy an income tax within the district and the 4487
contract may ~~designate~~ designate certain portions of the district 4488
where such an income tax may be levied. The income tax shall be 4489
used for the purposes of the district or any portion of the 4490
district in which the contract authorizes an income tax and for 4491
the purposes of the contracting parties pursuant to the contract. 4492
The income tax may be levied in the district based on income 4493
earned by persons working within the district and based on the net 4494
profits of businesses located in the district, but the income of 4495
an individual who resides in the district shall not be subject to 4496
such income tax unless the income is received for personal 4497
services performed in the district. The income tax of the district 4498
shall follow the provisions of Chapter 718. of the Revised Code, 4499
except that no vote shall be required. The rate of the income tax 4500
shall be no higher than the highest rate being levied by a 4501
municipal corporation that is a contracting party. 4502

(2) If the board adopts a resolution to levy an income tax, 4503
it shall enter into an agreement with a municipal corporation that 4504
is a contracting party to administer, collect, and enforce the 4505
income tax on behalf of the district. 4506

(3) A resolution levying an income tax under this section 4507
shall require the contracting parties to annually set aside a 4508
percentage, to be stated in the resolution, of the amount of the 4509
income tax collected for the long-term maintenance of the 4510
district. 4511

(4) An income tax levied under this section shall apply in 4512
the district or any portion of the district in which the contract 4513
authorizes an income tax throughout the term of the contract 4514
creating the district, notwithstanding that all or a portion of 4515
the district becomes subject to annexation, merger, or 4516
consolidation. 4517

(D) The contract creating a joint economic development 4518

district shall continue in existence throughout its term and shall 4519
be binding on the contracting parties and on any parties 4520
succeeding to the contracting parties, whether by annexation, 4521
merger, or consolidation. Except as provided in division (E) of 4522
this section, the contract may be amended, renewed, or terminated 4523
with the approval of the contracting parties or any parties 4524
succeeding to the contracting parties. If the contract is amended 4525
to add area to an existing district, the amendment shall be 4526
adopted in the manner prescribed under section 715.761 of the 4527
Revised Code. 4528

(E) If two or more contracting parties previously have 4529
entered into a separate contract for utility services, then 4530
amendment, renewal, or termination of the separate contract for 4531
utility services shall not constitute any part of the 4532
consideration for the contract creating a joint economic 4533
development district. A contract creating a joint economic 4534
development district shall be rebuttably presumed to violate this 4535
division if it is entered into within two years prior or five 4536
years subsequent to the amendment, renewal, or termination of a 4537
separate contract for utility services that two or more 4538
contracting parties previously have entered into. The presumption 4539
stated in this division may be rebutted by clear and convincing 4540
evidence of both of the following: 4541

(1) That other substantial consideration existed to support 4542
the contract creating a joint economic development district; 4543

(2) That the contracting parties entered into the contract 4544
creating a joint economic development district freely and without 4545
duress or coercion related to the amendment, renewal, or 4546
termination of the separate contract for utility services. 4547

(F) A contract creating a joint economic development district 4548
that violates division (E) of this section is void and 4549
unenforceable. 4550

Sec. 901.42. (A) The director of agriculture may provide 4551
financial assistance to a statewide, multi-state, or national 4552
nonprofit livestock association to defray not more than fifty per 4553
cent of the rental costs of the Ohio expositions center for 4554
purposes of conducting a livestock species exhibition at the 4555
center. In order to obtain financial assistance under this 4556
division, a nonprofit livestock association shall apply to the 4557
director on a form prescribed by the director and in the manner 4558
prescribed in rules adopted under division ~~(D)~~(C) of this section. 4559

Rental cost assistance authorized by this division shall be 4560
provided subject to both of the following conditions: 4561

(1) No nonprofit livestock association shall receive in any 4562
fiscal year rental cost assistance exceeding ~~thirty-four~~ fifty per 4563
cent of the funds available to the director in that fiscal year 4564
for the purposes of this section and designated for the purpose of 4565
defraying rental costs for livestock species exhibitions. 4566

(2) The rental cost assistance shall be paid by the director 4567
to the Ohio expositions commission on behalf of the nonprofit 4568
livestock association by means of intrastate transfer voucher. 4569

If the director receives more than one application for 4570
financial assistance for rental costs, the director shall consider 4571
the cost of and local economic benefit generated by each 4572
applicant's exhibition when allocating financial assistance. 4573

~~(B) The director may allocate not more than fifty thousand 4574
dollars of the moneys available for the purposes of this section 4575
in a fiscal year to provide financial assistance to a nonprofit 4576
livestock association to defray the costs of premium awards for a 4577
national multispecies exhibition held at the Ohio expositions 4578
center. In order to obtain financial assistance under this 4579
division, a nonprofit livestock association shall apply to the 4580
director on a form prescribed by the director and in the manner 4581~~

~~prescribed in rules adopted under division (D) of this section.~~ 4582

~~(C)~~ The director may expend not more than ~~four~~ two per cent 4583
of the moneys available for the purposes of this section in a 4584
fiscal year to defray the costs to the department of agriculture 4585
for administering this section or to assist in recruiting 4586
livestock exhibitions to be held at the Ohio expositions center. 4587

~~(D)~~(C) The director, in accordance with Chapter 119. of the 4588
Revised Code, shall adopt rules to carry out this section, 4589
including, without limitation, rules establishing procedures for 4590
the allocation and distribution of moneys available for the 4591
purposes of this section. 4592

Sec. 1332.04. (A) No political subdivision of this state 4593
shall provide cable service over a cable system, whether bundled 4594
with other services or unbundled, except in accordance with 4595
sections 1332.01 to 1332.10 of the Revised Code. 4596

(B)(1) No political subdivision of this state that is a 4597
public cable service provider or contracts with a public cable 4598
service provider for cable service over a cable system shall, by 4599
any means, do any of the following: 4600

(a) Prefer or advantage any public cable service provider or 4601
discriminate against any private cable service provider in any 4602
material matter affecting the provision, within the jurisdiction 4603
of the political subdivision, of cable service over a cable 4604
system; 4605

(b) Fail to apply any private cable service regulation 4606
without discrimination to a public cable service provider within 4607
the jurisdiction of the political subdivision; 4608

(c) Fail to pay all applicable fees, including, but not 4609
limited to, franchise fees, permit fees, pole attachment fees, or 4610
the equivalent of any such fees; 4611

(d) Require from a person providing video service within the jurisdiction of the political subdivision any direct or in-kind charge or a payment of any kind in exchange for PEG channel programming or other content produced by the political subdivision or by an entity created by or partially supported by the political subdivision. As used in division (B)(1)(d) of this section, "PEG channel" and "video service" have the same meanings as in section 1332.21 of the Revised Code.

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

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

(D) No political subdivision of this state that is a 4644
franchising authority shall unreasonably withhold a request by a 4645
cable service provider to transfer, modify, or renew, in 4646
accordance with the terms of the franchise and in accordance with 4647
the provisions of the "Telecommunications Act of 1996," Pub. L. 4648
No. 104-104, Title III, Section 301(i), 110 Stat. 117, 47 U.S.C.A. 4649
537, the "Cable Communications Policy Act of 1984," Pub. L. No. 4650
98-549, Section 2, 98 Stat. 2790, 47 U.S.C.A. 545, or the "Cable 4651
Television Consumer Protection and Competition Act of 1992," Pub. 4652
L. No. 102-385, Section 18, 106 Stat. 1493, 47 U.S.C.A. 546, its 4653
existing franchise to provide cable service over a cable system. 4654

Sec. 1346.03. Any information provided to the attorney 4655
general by the department of taxation in accordance with division 4656
~~(G)~~(C)(5) of section 5703.21 of the Revised Code shall not be 4657
disclosed publicly by the attorney general except when it is 4658
necessary to facilitate compliance with and enforcement of section 4659
1346.01 or 1346.02 of the Revised Code. 4660

Sec. 1561.011. ~~Nothing~~ Except as provided in section 1561.24 4661
of the Revised Code, nothing in this chapter applies to activities 4662
that are permitted and regulated under Chapter 1514. of the 4663
Revised Code. 4664

Sec. 1561.16. (A) As used in this section and sections 4665
1561.17 to 1561.21 of the Revised Code, "actual practical 4666
experience" means previous employment that involved a person's 4667
regular presence in the type of mining operation in which the 4668
experience is required to exist; participation in functions 4669
relating to the hazards involved in and the utilization of 4670
equipment, tools, and work crews and individuals for that type of 4671
mining; and regular exposure to the methods, procedures, and 4672
safety laws applicable to that type of mining. Credit of up to one 4673

year for a portion of the required experience time may be given 4674
upon documentation to the chief of the division of mineral 4675
resources management of an educational degree in a field related 4676
to mining. Credit of up to two years of the required experience 4677
time may be given upon presentation to the chief of proof of 4678
graduation from an accredited school of mines or mining after a 4679
four-year course of study with employment in the mining industry 4680
during interim breaks during the school years. 4681

(B) A person who applies for a certificate as a mine 4682
foreperson of gaseous mines shall be able to read and write the 4683
English language; shall have had at least five years' actual 4684
practical experience in the underground workings of a gaseous mine 4685
or the equivalent thereof in the judgment of the chief; and shall 4686
have had practical experience obtained by actual contact with gas 4687
in mines and have knowledge of the dangers and nature of noxious 4688
and explosive gases and ventilation of gaseous mines. An applicant 4689
for a certificate as a foreperson of gaseous mines shall meet the 4690
same requirements, except that the applicant shall have had at 4691
least three years' actual practical experience in the underground 4692
workings of a gaseous mine or the equivalent thereof in the 4693
judgment of the chief. Each applicant for examination shall pay a 4694
fee ~~of ten dollars~~ established in rules adopted under this section 4695
to the chief on the first day of such examination. ~~Any~~ 4696

(C) A person who has been issued a certificate as a mine 4697
foreperson or a foreperson of a gaseous mine and who has not 4698
worked in an underground coal mine for a period of more than two 4699
calendar years shall apply for and obtain recertification from the 4700
chief in accordance with rules adopted under this section before 4701
performing the duties of a mine foreperson or a foreperson of a 4702
gaseous mine. An applicant for recertification shall pay a fee 4703
established in rules adopted under this section at the time of 4704
application for recertification. 4705

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

(E) 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 that do all of the following:

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

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

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

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

(F) 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.

Sec. 1561.17. (A) A person who applies for a certificate as mine foreperson or foreperson of nongaseous mines shall be able to

read and write the English language; shall have had at least three 4736
years' actual practical experience in mines, or the equivalent 4737
thereof in the judgment of the chief of the division of mineral 4738
resources management; and shall have knowledge of the dangers and 4739
nature of noxious gases. Each applicant for examination shall pay 4740
a fee ~~of ten dollars~~ established in rules adopted under this 4741
section to the chief on the first day of the examination. ~~Any~~ 4742

(B) A person who has been issued a certificate as a mine 4743
foreperson or a foreperson of a nongaseous coal mine and who has 4744
not worked in an underground coal mine for a period of more than 4745
two calendar years shall apply for and obtain recertification from 4746
the chief in accordance with rules adopted under this section 4747
before performing the duties of a mine foreperson or a foreperson 4748
of a nongaseous coal mine. An applicant for recertification shall 4749
pay a fee established in rules adopted under this section at the 4750
time of application for recertification. 4751

(C) A person who has been issued a certificate as a mine 4753
foreperson or a foreperson of a nongaseous coal mine and who has 4754
not worked in an underground coal mine for a period of one or more 4755
calendar years shall successfully complete a retraining course in 4756
accordance with rules adopted under this section before performing 4757
the duties of a mine foreperson or a foreperson of a nongaseous 4758
coal mine. 4759

(D) The chief, in consultation with a statewide association 4760
representing the coal mining industry and a statewide association 4761
representing employees of coal mines, shall adopt rules in 4762
accordance with Chapter 119. of the Revised Code that do all of 4763
the following: 4764

(1) Prescribe requirements, criteria, and procedures for the 4765
recertification of a mine foreperson or a foreperson of a 4766
nongaseous coal mine who has not worked in an underground coal 4767

<u>mine for a period of more than two calendar years;</u>	4768
<u>(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;</u>	4769 4770 4771 4772
<u>(3) Establish fees for the examination and recertification of mine forepersons or forepersons of nongaseous coal mines under this section;</u>	4773 4774 4775
<u>(4) Prescribe any other requirements, criteria, and procedures that the chief determines are necessary to administer this section.</u>	4776 4777 4778
<u>(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.</u>	4779 4780 4781
Sec. 1561.23. The chief of the division of mineral resources management shall issue the following certificates to those applicants who pass their examination:	4782 4783 4784
(A) Certificates for mine forepersons of gaseous mines;	4785
(B) Certificates for mine forepersons of nongaseous mines;	4786
(C) Certificates for forepersons of gaseous mines;	4787
(D) Certificates for forepersons of nongaseous mines;	4788
(E) Certificates for forepersons of surface maintenance facilities of underground or surface mines;	4789 4790
(F) Certificates for mine forepersons of surface mines;	4791
(G) Certificates for forepersons of surface mines;	4792
(H) Certificates for fire bosses;	4793
(I) Certificates for mine electricians;	4794
(J) Certificates for surface mine blasters;	4795

(K) Certificates for shot firers. 4796

Applicants for certificates shall make application to the 4797
chief, on a form provided by the chief, for examination. All 4798
applicants shall be able to read and write the English language 4799
intelligently, and shall furnish the chief with a certificate as 4800
to their character, length and description of their practical 4801
experience, and satisfactory evidence of their ability to perform 4802
the duties of the position for which they make application for 4803
examination. 4804

Any Except as provided in sections 1561.16 and 1561.17 of the 4805
Revised Code, any certificate issued by the former mine examining 4806
board prior to October 29, 1995, shall remain in effect 4807
notwithstanding the new classifications of certificates 4808
established by this section. 4809

Sec. 1561.24. For purposes of this chapter, Chapters 1563., 4810
1565., and 1567., and sections 1514.40 to 1514.50 of the Revised 4811
Code, there is hereby created in the state treasury the mine 4812
safety fund. The fund shall consist of money transferred to it by 4813
the administrator of workers' compensation from the coal-workers 4814
pneumoconiosis fund established in section 4131.03 of the Revised 4815
Code. All investment earnings of the mine safety fund shall be 4816
credited to the fund. The chief of the division of mineral 4817
resources management shall use money in the fund for all of the 4818
following purposes: 4819

(A) Mine safety and health inspections and audits; 4820

(B) The purchase and maintenance of mine rescue and 4821
inspection equipment; 4822

(C) The purchase or lease of facilities for use as mine 4823
rescue stations and for mine rescue and safety training; 4824

(D) Mine rescue and safety and health training of miners; 4825

(E) Certification and recertification of mine officials. 4826

Sec. 1561.25. The division of ~~mines and reclamation~~ mineral resources management shall establish and maintain four rescue stations. Three of such stations shall be centrally located at such places, conveniently accessible to the mines and mining areas of the state so as to cover the largest number of mines in the shortest period of time, as the chief of the division of ~~mines and reclamation~~ mineral resources management determines; and one such station may be maintained at the mine laboratory provided for in section 1561.27 of the Revised Code. In establishing such stations the chief may use quarters owned by or in the possession and control of the state, if available, or may lease other quarters therefor. Each station shall be equipped with rescue and first aid apparatus and other equipment as follows: 4827
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(A) One motor truck of sufficient capacity to carry the equipment prescribed by this section; 4840
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(B) Not less than six approved breathing apparatus, complete and in good working order; 4842
4843

(C) One recharging or refilling motor-driven pump for recharging oxygen cylinders; 4844
4845

(D) Not less than ten oxygen storage cylinders; 4846

(E) One resuscitating outfit; 4847

(F) Not less than five approved flame safety lamps and one lamp testing cabinet; 4848
4849

(G) Not less than two carbon monoxide detectors; 4850

(H) One approved methane indicating detector; 4851

(I) Not less than ten approved electric mine safety cap lamps complete; 4852
4853

(J) Charging equipment for cap lamps; 4854

(K) Not less than five hundred feet of two-inch hose of 4855
standard connections and nozzles complete; 4856

(L) All the equipment necessary to provide emergency medical 4857
services, including that necessary for the services of a paramedic 4858
as defined in section 4765.01 of the Revised Code, and to 4859
establish and maintain an intravenous lifeline; 4860

(M) Sufficient parts, supplies, and other necessary equipment 4861
for maintenance and operation of the equipment prescribed in this 4862
section. 4863

All equipment shall be inspected and tested weekly for 4864
efficiency and operation, and be maintained in an effective 4865
operating condition. Reports of the condition shall be sent in 4866
writing to the division of ~~mines and reclamation~~ mineral resources 4867
management. 4868

Each of ~~such~~ the stations shall at all times be in charge of 4869
an assistant superintendent of rescue stations. Each assistant 4870
superintendent shall, under the supervision of the superintendent 4871
of rescue stations, conduct classes in first aid, mine safety, 4872
rescue work, and other safety educational work for the benefit of 4873
people desiring to take the same. They shall keep the equipment 4874
prescribed in this section in good condition, and see that this 4875
equipment reaches any mine whenever it is needed as expeditiously 4876
as possible. They shall help to perform whatever duties are 4877
necessary. 4878

All such stations shall be under the direction of the 4879
superintendent. 4880

Sec. 1561.26. (A) As used in this section₇: 4881

(1) "EMT-basic," "EMT-I," and "paramedic" have the same 4882
meanings as in section 4765.01 of the Revised Code. 4883

(2) "Mine medical responder" has the same meaning as in 4884

section 1565.15 of the Revised Code. 4885

(B) The superintendent of rescue stations, with the approval 4886
of the chief of the division of mineral resources management, 4887
shall, at each rescue station provided for in section 1561.25 of 4888
the Revised Code, train and employ rescue crews of six members 4889
each, one of whom shall hold a mine foreperson or fire boss 4890
certificate and be designated captain, and train and employ any 4891
number of such rescue crews as the superintendent believes 4892
necessary. One member of a rescue crew shall be certified as an 4893
EMT-basic, EMT-I, mine medical responder, or paramedic. Each 4894
member of a rescue crew shall devote the time specified by the 4895
chief each month for training purposes and shall be available at 4896
all times to assist in rescue work at explosions, mine fires, and 4897
other emergencies. 4898

A captain of mine rescue crews shall receive for service as 4899
captain the sum of twenty-four dollars per month, and each member 4900
shall receive the sum of twenty dollars per month, all payable on 4901
requisition approved by the chief. When engaged in rescue work at 4902
explosions, mine fires, or other emergencies away from their 4903
station, the members of the rescue crews and captains of the same 4904
shall be paid the sum of six dollars per hour for work on the 4905
surface, which includes the time consumed by those members in 4906
traveling to and from the scene of the emergency when the scene is 4907
away from the station of the members, and the sum of seven dollars 4908
per hour for all work underground at the emergency, and in 4909
addition thereto, the necessary living expenses of the members 4910
when the emergency is away from their home station, all payable on 4911
requisition approved by the chief. 4912

Each member of a mine rescue crew shall undergo an annual 4913
medical examination. The chief may designate to perform an 4914
examination any individual authorized by the Revised Code to do 4915
so, including a physician assistant, a clinical nurse specialist, 4916

a certified nurse practitioner, or a certified nurse-midwife. In 4917
designating the individual to perform a medical examination, the 4918
chief shall choose one near the station of the member of the 4919
rescue crews. The examiner shall report the examination results to 4920
the chief and if, in the opinion of the chief, the report 4921
indicates that the member is physically unfit for further 4922
services, the chief shall relieve the member from further duty. 4923
The fee charged by the examiner for the examination shall be paid 4924
in the same manner as fees are paid to doctors employed by the 4925
industrial commission for special medical examinations. 4926

The chief may remove any member of a rescue crew for any 4927
reason. Such crews shall be subject to the orders of the chief, 4928
the superintendent, and the deputy mine inspectors when engaged in 4929
actual mine rescue work. Mine rescue crews shall, in case of death 4930
or injury when engaged in rescue work, wherever the same may 4931
occur, be paid compensation, or their dependents shall be paid 4932
death benefits, from the workers' compensation fund, in the same 4933
manner as other employees of the state. 4934

(C) In addition to the training of rescue crews, each 4935
assistant superintendent of rescue stations, with the approval of 4936
the superintendent, shall provide for and conduct safety, first 4937
aid, and rescue classes at any mine or for any group of miners who 4938
make application for the conducting of such classes. The chief may 4939
assess a fee for safety and first aid classes for the purpose of 4940
covering the costs associated with providing those classes. The 4941
chief shall establish a fee schedule for safety and first aid 4942
classes by rule adopted in accordance with Chapter 119. of the 4943
Revised Code. Fees collected under this section shall be deposited 4944
in the surface mining fund created in section 1514.06 of the 4945
Revised Code. 4946

The superintendent shall prescribe and provide for a uniform 4947
schedule of conducting such safety and rescue classes as will 4948

provide a competent knowledge of modern safety and rescue methods 4949
in, at, and about mines. 4950

(D) No member of a mine rescue crew who performs mine rescue 4951
at an underground coal mine and no operator of a mine whose 4952
employee participates as a member of such a mine rescue crew is 4953
liable in any civil action that arises under the laws of this 4954
state for damage or injury caused in the performance of rescue 4955
work at an underground coal mine. However, a member of such a mine 4956
rescue crew may be liable if the member acted with malicious 4957
purpose, in bad faith, or in a wanton or reckless manner. 4958

This division does not eliminate, limit, or reduce any 4959
immunity from civil liability that is conferred on a member of 4960
such a mine rescue crew or an operator by any other provision of 4961
the Revised Code or by case law. 4962

Sec. 1561.261. Except for civil actions in which the state is 4963
the plaintiff, no employee of the division of mineral resources 4964
management who performs rescue work at an underground coal mine is 4965
liable in any civil action that arises under the laws of this 4966
state for damage or injury caused in the performance of rescue 4967
work at an underground coal mine unless the employee acted with 4968
malicious purpose, in bad faith, or in a wanton or reckless 4969
manner. 4970

This section does not eliminate, limit, or reduce any 4971
immunity from civil liability that is conferred on an employee of 4972
the division by any other provision of the Revised Code or by case 4973
law. 4974

Sec. 1565.15. (A) As used in this section: 4975

(1) "EMT-basic," "EMT-I," "paramedic," and "emergency medical 4976
service organization" have the same meanings as in section 4765.01 4977
of the Revised Code. 4978

(2) "First aid provider" includes a mine medical responder, 4979
an EMT-basic, an EMT-I, a paramedic, or an employee at a surface 4980
coal mine who has satisfied the training requirements established 4981
in division (D)(1) of this section. 4982

(3) "Mine medical responder" means a person who has satisfied 4983
the requirements established in rules adopted under division (E) 4984
of this section. 4985

(B) The operator of an underground coal mine where twenty or 4986
more persons are employed on a shift, including all persons 4987
working at different locations at the mine within a ten-mile 4988
radius, shall provide at least one mine medical responder, 4989
EMT-basic, or EMT-I on duty at the underground coal mine whenever 4990
employees at the mine are actively engaged in the extraction, 4991
production, or preparation of coal. The operator shall provide 4992
mine medical responders, EMTs-basic, or EMTs-I on duty at the 4993
underground coal mine at times and in numbers sufficient to ensure 4994
that no miner works in a mine location that cannot be reached 4995
within a reasonable time by a mine medical responder, an 4996
EMT-basic, or an EMT-I. Mine medical responders, EMTs-basic, and 4997
EMTs-I shall be employed on their regular coal mining duties at 4998
locations convenient for quick response to emergencies in order to 4999
provide emergency medical services inside the underground coal 5000
mine and transportation of injured or sick employees to the 5001
entrance of the mine. The operator shall provide for the services 5002
of at least one emergency medical service organization to be 5003
available on call to reach the entrance of the underground coal 5004
mine within thirty minutes at any time that employees are engaged 5005
in the extraction, production, or preparation of coal in order to 5006
provide emergency medical services and transportation to a 5007
hospital. 5008

The operator shall make available to mine medical responders, 5009
EMTs-basic, and EMTs-I all of the equipment for first aid and 5010

emergency medical services that is necessary for those personnel 5011
to function and to comply with the regulations pertaining to first 5012
aid and emergency medical services that are adopted under the 5013
"Federal Mine Safety and Health Act of 1977," 91 Stat. 1290, 30 5014
U.S.C.A. 801, and amendments to it. The operator of the 5015
underground coal mine shall install telephone service or 5016
equivalent facilities that enable two-way voice communication 5017
between the mine medical responders, EMTs-basic, or EMTs-I in the 5018
mine and the emergency medical service organization outside the 5019
mine that provides emergency medical services on a regular basis. 5020

(C) The operator of a surface coal mine shall provide at 5021
least one first aid provider on duty at the mine whenever 5022
employees at the mine are actively engaged in the extraction, 5023
production, or preparation of coal. The operator shall provide 5024
first aid providers on duty at the surface coal mine at times and 5025
in numbers sufficient to ensure that no miner works in a mine 5026
location that cannot be reached within a reasonable time by a 5027
first aid provider. First aid providers shall be employed on their 5028
regular coal mining duties at locations convenient for quick 5029
response to emergencies in order to provide emergency medical 5030
services and transportation of injured or sick employees to the 5031
entrance of the surface coal mine. The operator shall provide for 5032
the services of at least one emergency medical service 5033
organization to be available on call to reach the entrance of the 5034
surface coal mine within thirty minutes at any time that employees 5035
are engaged in the extraction, production, or preparation of coal 5036
in order to provide emergency medical services and transportation 5037
to a hospital. 5038

The operator shall provide at the mine site all of the 5039
equipment for first aid and emergency medical services that is 5040
necessary for those personnel to function and to comply with the 5041
regulations pertaining to first aid and emergency medical services 5042

that are adopted under the "Federal Mine Safety and Health Act of 1977," 91 Stat. 1290, 30 U.S.C.A. 801, and amendments to it.

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

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

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

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

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

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

(3) Prescribe continuing training requirements for a mine 5074
medical responder; 5075

(4) Establish the fee for examination for a mine medical 5076
responder; 5077

(5) Prescribe any other requirements, criteria, and 5078
procedures that the chief determines are necessary regarding the 5079
training, examination, and continuing training of mine medical 5080
responders. 5081

If a person qualifies as a mine medical responder or similar 5082
classification in another state, the person may provide emergency 5083
medical services as a mine medical responder in this state without 5084
completing the training or passing the examination that is 5085
required in rules adopted under this division, provided that the 5086
chief determines that the person's qualifications from the other 5087
state satisfy all of the applicable requirements that are 5088
established in rules adopted under this division. 5089

(F) Each operator of a surface coal mine shall establish, 5090
keep current, and make available for inspection an emergency 5091
medical plan that includes the telephone numbers of the division 5092
of mineral resources management and of an emergency medical 5093
services organization the services of which are required to be 5094
retained under division (C) of this section. The chief shall adopt 5095
rules in accordance with Chapter 119. of the Revised Code that 5096
establish any additional information required to be included in an 5097
emergency medical plan. 5098

~~(F)~~(G) Each operator of an underground coal mine or surface 5099
coal mine shall provide or contract to obtain emergency medical 5100
services training or first aid training, as applicable, at the 5101
operator's expense, that is sufficient to train and maintain the 5102
certification of the number of employees necessary to comply with 5103
division (B) of this section and that is sufficient to train 5104

employees as required under division (D) of this section and to 5105
comply with division (C) of this section. 5106

~~(G)~~(H) The division may provide emergency medical services 5107
training for coal mine employees by operating an emergency medical 5108
services training program accredited under section 4765.17 of the 5109
Revised Code or by contracting with the operator of an emergency 5110
medical services training program accredited under that section to 5111
provide that training. The division may charge coal mine operators 5112
a uniform part of the unit cost per trainee. 5113

~~(H)~~(I) No coal mine operator shall violate or fail to comply 5114
with this section. 5115

Sec. 1567.64. (A) As used in this section, "tag lines" and 5116
"tie-off lines" have the same meanings as in rules adopted under 5117
this section. 5118

(B) The operator of an underground coal mine shall provide 5119
tag lines or tie-off lines for each miner at the mine. The 5120
operator shall provide and employees of the mine shall use tag 5121
lines or tie-off lines in accordance with requirements and 5122
procedures established in rules adopted under this section. 5123

(C) The chief of the division of mineral resources 5124
management, in consultation with a statewide association 5125
representing the coal mining industry and a statewide association 5126
representing employees of coal mines, shall adopt rules in 5127
accordance with Chapter 119. of the Revised Code concerning the 5128
use of tag lines or tie-off lines in an underground coal mine. The 5129
rules shall include all of the following: 5130

(1) A definition of "tag line" and of "tie-off line"; 5131

(2) A description or list of acceptable tag lines and tie-off 5132
lines; 5133

(3) Procedures and requirements for the use of tag lines and 5134

tie-off lines; 5135

(4) Procedures for the approval and inspection of the use of tag lines and tie-off lines in a mine; 5136
5137

(5) Any other requirements concerning tag lines or tie-off lines that the chief determines are necessary. 5138
5139

(D) No operator of a mine shall refuse or neglect to comply with this section or rules adopted under it. 5140
5141

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. 5142
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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: 5153
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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; 5160
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(2) The number of fire detection devices that are required on a conveyor belt; 5163
5164

(3) A procedure for the notification of the chief after the operator of a mine has installed the fire detection devices; 5165
5166

(4) A procedure for the inspection of fire detection devices installed on a conveyor belt; 5167
5168

(5) Any other requirements that the chief determines are necessary. 5169
5170

(C) No operator of a mine shall refuse or neglect to comply with this section or rules adopted under it. 5171
5172

Sec. 2743.49. (A)(1) In January of each odd-numbered year, 5173
the auditor of state, in accordance with this division and 5174
division (A)(2) of this section, shall adjust the actual dollar 5175
figure specified in division (E)(2)(b) of section 2743.48 of the 5176
Revised Code or the actual dollar amount determined pursuant to 5177
this section. The adjustment shall be based on the yearly average 5178
of the previous two years of the consumer price index for all 5179
urban consumers or its successive equivalent, as determined by the 5180
United States department of labor, bureau of labor statistics, or 5181
its successor in responsibility, for all items, Series A. ~~The~~ 5182
~~auditor of state shall calculate the adjustment in the following~~ 5183
~~manner:~~ 5184

~~(a) First, using the yearly average for the immediately~~ 5185
~~preceding odd numbered year as the base year, the auditor of state~~ 5186
~~shall compare the most current average consumer price index with~~ 5187
~~that determined in the even numbered year immediately preceding~~ 5188
~~that odd numbered year and shall determine the percentage increase~~ 5189
~~or decrease. The auditor of state shall multiply the percentage~~ 5190
~~increase or decrease by the actual dollar figure specified in~~ 5191
~~division (E)(2)(b) of section 2743.48 of the Revised Code or the~~ 5192
~~actual dollar figure determined for the previous odd numbered year~~ 5193
~~under this section and shall add the product to or subtract the~~ 5194
~~product from its corresponding actual dollar figure, as~~ 5195

applicable, for the ~~previous odd-numbered year.~~ 5196

~~(b) Second, using~~ Using the yearly average for the 5197
immediately preceding even-numbered year as the base year, the 5198
auditor of state shall compare the most current average consumer 5199
price index with that determined in the preceding odd-numbered 5200
year ~~immediately preceding that even-numbered year~~ and shall 5201
determine the percentage increase or decrease. The auditor of 5202
state shall multiply the percentage increase or decrease by the 5203
actual dollar figure specified in division (E)(2)(b) of section 5204
2743.48 of the Revised Code or the actual dollar figure determined 5205
under ~~division (A)(1)(a) of this section for the previous~~ 5206
~~even-numbered~~ odd-numbered year and shall add the product to or 5207
subtract the product from its corresponding actual dollar figure, 5208
as applicable, for the previous odd-numbered year. ~~The resulting~~ 5209
~~figure is the adjusted dollar amount determined under this section~~ 5210
~~for purposes of this section and section 2743.48 of the Revised~~ 5211
~~Code.~~ 5212

(2) The auditor of state shall calculate the adjustment under 5213
division (A)(1) of this section on or before the thirty-first day 5214
of January of each odd-numbered year. The auditor of state shall 5215
base the adjustment on the most current consumer price index that 5216
is described in division (A)(1) of this section and that is in 5217
effect as of the first day of January of each odd-numbered year. 5218

(B)(1) The auditor of state shall certify the calculations 5219
made under division (A) of this section on or before the 5220
thirty-first day of January of each odd-numbered year. 5221

(2) On or before the fifteenth day of February of each 5222
odd-numbered year, the auditor of state shall prepare a report 5223
setting forth the amount that a wrongfully imprisoned individual 5224
is entitled to for each full year of imprisonment in the state 5225
correctional institution for the offense of which the wrongfully 5226
imprisoned individual was found guilty as provided in division 5227

(E)(2)(b) of section ~~2743.49~~ 2743.48 of the Revised Code and as 5228
calculated in accordance with this section. The report and all 5229
documents relating to the calculations contained in the report are 5230
public records. The report shall contain an indication of the 5231
period in which the calculated amount applies, a summary of how 5232
the amount was calculated, and a statement that the report and all 5233
related documents are available for inspection and copying at the 5234
office of the auditor of state. 5235

(3) On or before the fifteenth day of February of each 5236
odd-numbered year, the auditor of state shall transmit the report 5237
to the general assembly and to the court of claims. 5238

Sec. 2921.13. (A) No person shall knowingly make a false 5239
statement, or knowingly swear or affirm the truth of a false 5240
statement previously made, when any of the following applies: 5241

(1) The statement is made in any official proceeding. 5242

(2) The statement is made with purpose to incriminate 5243
another. 5244

(3) The statement is made with purpose to mislead a public 5245
official in performing the public official's official function. 5246

(4) The statement is made with purpose to secure the payment 5247
of unemployment compensation; Ohio works first; prevention, 5248
retention, and contingency benefits and services; disability 5249
financial assistance; retirement benefits; economic development 5250
assistance, as defined in section 9.66 of the Revised Code; or 5251
other benefits administered by a governmental agency or paid out 5252
of a public treasury. 5253

(5) The statement is made with purpose to secure the issuance 5254
by a governmental agency of a license, permit, authorization, 5255
certificate, registration, release, or provider agreement. 5256

(6) The statement is sworn or affirmed before a notary public 5257

or another person empowered to administer oaths. 5258

(7) The statement is in writing on or in connection with a 5259
report or return that is required or authorized by law. 5260

(8) The statement is in writing and is made with purpose to 5261
induce another to extend credit to or employ the offender, to 5262
confer any degree, diploma, certificate of attainment, award of 5263
excellence, or honor on the offender, or to extend to or bestow 5264
upon the offender any other valuable benefit or distinction, when 5265
the person to whom the statement is directed relies upon it to 5266
that person's detriment. 5267

(9) The statement is made with purpose to commit or 5268
facilitate the commission of a theft offense. 5269

(10) The statement is knowingly made to a probate court in 5270
connection with any action, proceeding, or other matter within its 5271
jurisdiction, either orally or in a written document, including, 5272
but not limited to, an application, petition, complaint, or other 5273
pleading, or an inventory, account, or report. 5274

(11) The statement is made on an account, form, record, 5275
stamp, label, or other writing that is required by law. 5276

(12) The statement is made in connection with the purchase of 5277
a firearm, as defined in section 2923.11 of the Revised Code, and 5278
in conjunction with the furnishing to the seller of the firearm of 5279
a fictitious or altered driver's or commercial driver's license or 5280
permit, a fictitious or altered identification card, or any other 5281
document that contains false information about the purchaser's 5282
identity. 5283

(13) The statement is made in a document or instrument of 5284
writing that purports to be a judgment, lien, or claim of 5285
indebtedness and is filed or recorded with the secretary of state, 5286
a county recorder, or the clerk of a court of record. 5287

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

(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.

(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.

(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.

(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.

(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.

(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 5319
or the other was false. 5320

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 5321
(6), (7), (8), (10), (11), (13), (14), or (16) of this section is 5322
guilty of falsification, a misdemeanor of the first degree. 5323

(2) Whoever violates division (A)(9) of this section is 5324
guilty of falsification in a theft offense. Except as otherwise 5325
provided in this division, falsification in a theft offense is a 5326
misdemeanor of the first degree. If the value of the property or 5327
services stolen is five hundred dollars or more and is less than 5328
five thousand dollars, falsification in a theft offense is a 5329
felony of the fifth degree. If the value of the property or 5330
services stolen is five thousand dollars or more and is less than 5331
one hundred thousand dollars, falsification in a theft offense is 5332
a felony of the fourth degree. If the value of the property or 5333
services stolen is one hundred thousand dollars or more, 5334
falsification in a theft offense is a felony of the third degree. 5335

(3) Whoever violates division (A)(12) or (B) of this section 5336
is guilty of falsification to purchase a firearm, a felony of the 5337
fifth degree. 5338

(4) Whoever violates division (A)(15) or (C) of this section 5339
is guilty of falsification to obtain a concealed handgun license, 5340
a felony of the fourth degree. 5341

(G) A person who violates this section is liable in a civil 5342
action to any person harmed by the violation for injury, death, or 5343
loss to person or property incurred as a result of the commission 5344
of the offense and for reasonable attorney's fees, court costs, 5345
and other expenses incurred as a result of prosecuting the civil 5346
action commenced under this division. A civil action under this 5347
division is not the exclusive remedy of a person who incurs 5348
injury, death, or loss to person or property as a result of a 5349

violation of this section. 5350

Sec. 2935.01. As used in this chapter: 5351

(A) "Magistrate" has the same meaning as in section 2931.01 5352
of the Revised Code. 5353

(B) "Peace officer" includes, except as provided in section 5354
2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; 5355
deputy marshal; member of the organized police department of any 5356
municipal corporation, including a member of the organized police 5357
department of a municipal corporation in an adjoining state 5358
serving in Ohio under a contract pursuant to section 737.04 of the 5359
Revised Code; member of a police force employed by a metropolitan 5360
housing authority under division (D) of section 3735.31 of the 5361
Revised Code; member of a police force employed by a regional 5362
transit authority under division (Y) of section 306.05 of the 5363
Revised Code; state university law enforcement officer appointed 5364
under section 3345.04 of the Revised Code; enforcement agent of 5365
the department of public safety designated under section 5502.14 5366
of the Revised Code; employee of the department of taxation to 5367
whom investigation powers have been delegated under section 5368
5743.45 of the Revised Code; employee of the department of natural 5369
resources who is a natural resources law enforcement staff officer 5370
designated pursuant to section 1501.013 of the Revised Code, a 5371
forest officer designated pursuant to section 1503.29 of the 5372
Revised Code, a preserve officer designated pursuant to section 5373
1517.10 of the Revised Code, a wildlife officer designated 5374
pursuant to section 1531.13 of the Revised Code, a park officer 5375
designated pursuant to section 1541.10 of the Revised Code, or a 5376
state watercraft officer designated pursuant to section 1547.521 5377
of the Revised Code; individual designated to perform law 5378
enforcement duties under section 511.232, 1545.13, or 6101.75 of 5379
the Revised Code; veterans' home police officer appointed under 5380

section 5907.02 of the Revised Code; special police officer 5381
employed by a port authority under section 4582.04 or 4582.28 of 5382
the Revised Code; police constable of any township; police officer 5383
of a township or joint township police district; a special police 5384
officer employed by a municipal corporation at a municipal 5385
airport, or other municipal air navigation facility, that has 5386
scheduled operations, as defined in section 119.3 of Title 14 of 5387
the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and 5388
that is required to be under a security program and is governed by 5389
aviation security rules of the transportation security 5390
administration of the United States department of transportation 5391
as provided in Parts 1542. and 1544. of Title 49 of the Code of 5392
Federal Regulations, as amended; the house of representatives 5393
sergeant at arms if the house of representatives sergeant at arms 5394
has arrest authority pursuant to division (E)(1) of section 5395
101.311 of the Revised Code; and an assistant house of 5396
representatives sergeant at arms; officer or employee of the 5397
bureau of criminal identification and investigation established 5398
pursuant to section 109.51 of the Revised Code who has been 5399
awarded a certificate by the executive director of the Ohio peace 5400
officer training commission attesting to the officer's or 5401
employee's satisfactory completion of an approved state, county, 5402
municipal, or department of natural resources peace officer basic 5403
training program and who is providing assistance upon request to a 5404
law enforcement officer or emergency assistance to a peace officer 5405
pursuant to section 109.54 or 109.541 of the Revised Code; a state 5406
fire marshal law enforcement officer described in division (A)(23) 5407
of section 109.71 of the Revised Code; and, for the purpose of 5408
arrests within those areas, for the purposes of Chapter 5503. of 5409
the Revised Code, and the filing of and service of process 5410
relating to those offenses witnessed or investigated by them, the 5411
superintendent and troopers of the state highway patrol. 5412

(C) "Prosecutor" includes the county prosecuting attorney and 5413

any assistant prosecutor designated to assist the county 5414
prosecuting attorney, and, in the case of courts inferior to 5415
courts of common pleas, includes the village solicitor, city 5416
director of law, or similar chief legal officer of a municipal 5417
corporation, any such officer's assistants, or any attorney 5418
designated by the prosecuting attorney of the county to appear for 5419
the prosecution of a given case. 5420

(D) "Offense," except where the context specifically 5421
indicates otherwise, includes felonies, misdemeanors, and 5422
violations of ordinances of municipal corporations and other 5423
public bodies authorized by law to adopt penal regulations. 5424

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 5425
deputy marshal, municipal police officer, township constable, 5426
police officer of a township or joint township police district, 5427
member of a police force employed by a metropolitan housing 5428
authority under division (D) of section 3735.31 of the Revised 5429
Code, member of a police force employed by a regional transit 5430
authority under division (Y) of section 306.35 of the Revised 5431
Code, state university law enforcement officer appointed under 5432
section 3345.04 of the Revised Code, veterans' home police officer 5433
appointed under section 5907.02 of the Revised Code, special 5434
police officer employed by a port authority under section 4582.04 5435
or 4582.28 of the Revised Code, or a special police officer 5436
employed by a municipal corporation at a municipal airport, or 5437
other municipal air navigation facility, that has scheduled 5438
operations, as defined in section 119.3 of Title 14 of the Code of 5439
Federal Regulations, 14 C.F.R. 119.3, as amended, and that is 5440
required to be under a security program and is governed by 5441
aviation security rules of the transportation security 5442
administration of the United States department of transportation 5443
as provided in Parts 1542. and 1544. of Title 49 of the Code of 5444
Federal Regulations, as amended, shall arrest and detain, until a 5445

warrant can be obtained, a person found violating, within the 5446
limits of the political subdivision, metropolitan housing 5447
authority housing project, regional transit authority facilities 5448
or areas of a municipal corporation that have been agreed to by a 5449
regional transit authority and a municipal corporation located 5450
within its territorial jurisdiction, college, university, 5451
veterans' home operated under Chapter 5907. of the Revised Code, 5452
port authority, or municipal airport or other municipal air 5453
navigation facility, in which the peace officer is appointed, 5454
employed, or elected, a law of this state, an ordinance of a 5455
municipal corporation, or a resolution of a township. 5456

(2) A peace officer of the department of natural resources, a 5457
state fire marshal law enforcement officer described in division 5458
(A)(23) of section 109.71 of the Revised Code, or an individual 5459
designated to perform law enforcement duties under section 5460
511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and 5461
detain, until a warrant can be obtained, a person found violating, 5462
within the limits of the peace officer's, state fire marshal law 5463
enforcement officer's, or individual's territorial jurisdiction, a 5464
law of this state. 5465

(3) The house sergeant at arms if the house sergeant at arms 5466
has arrest authority pursuant to division (E)(1) of section 5467
101.311 of the Revised Code and an assistant house sergeant at 5468
arms shall arrest and detain, until a warrant can be obtained, a 5469
person found violating, within the limits of the sergeant at 5470
arms's or assistant sergeant at arms's territorial jurisdiction 5471
specified in division (D)(1)(a) of section 101.311 of the Revised 5472
Code or while providing security pursuant to division (D)(1)(f) of 5473
section 101.311 of the Revised Code, a law of this state, an 5474
ordinance of a municipal corporation, or a resolution of a 5475
township. 5476

(B)(1) When there is reasonable ground to believe that an 5477

offense of violence, the offense of criminal child enticement as 5478
defined in section 2905.05 of the Revised Code, the offense of 5479
public indecency as defined in section 2907.09 of the Revised 5480
Code, the offense of domestic violence as defined in section 5481
2919.25 of the Revised Code, the offense of violating a protection 5482
order as defined in section 2919.27 of the Revised Code, the 5483
offense of menacing by stalking as defined in section 2903.211 of 5484
the Revised Code, the offense of aggravated trespass as defined in 5485
section 2911.211 of the Revised Code, a theft offense as defined 5486
in section 2913.01 of the Revised Code, or a felony drug abuse 5487
offense as defined in section 2925.01 of the Revised Code, has 5488
been committed within the limits of the political subdivision, 5489
metropolitan housing authority housing project, regional transit 5490
authority facilities or those areas of a municipal corporation 5491
that have been agreed to by a regional transit authority and a 5492
municipal corporation located within its territorial jurisdiction, 5493
college, university, veterans' home operated under Chapter 5907. 5494
of the Revised Code, port authority, or municipal airport or other 5495
municipal air navigation facility, in which the peace officer is 5496
appointed, employed, or elected or within the limits of the 5497
territorial jurisdiction of the peace officer, a peace officer 5498
described in division (A) of this section may arrest and detain 5499
until a warrant can be obtained any person who the peace officer 5500
has reasonable cause to believe is guilty of the violation. 5501

(2) For purposes of division (B)(1) of this section, the 5502
execution of any of the following constitutes reasonable ground to 5503
believe that the offense alleged in the statement was committed 5504
and reasonable cause to believe that the person alleged in the 5505
statement to have committed the offense is guilty of the 5506
violation: 5507

(a) A written statement by a person alleging that an alleged 5508
offender has committed the offense of menacing by stalking or 5509

aggravated trespass; 5510

(b) A written statement by the administrator of the 5511
interstate compact on mental health appointed under section 5512
5119.51 of the Revised Code alleging that a person who had been 5513
hospitalized, institutionalized, or confined in any facility under 5514
an order made pursuant to or under authority of section 2945.37, 5515
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 5516
Revised Code has escaped from the facility, from confinement in a 5517
vehicle for transportation to or from the facility, or from 5518
supervision by an employee of the facility that is incidental to 5519
hospitalization, institutionalization, or confinement in the 5520
facility and that occurs outside of the facility, in violation of 5521
section 2921.34 of the Revised Code; 5522

(c) A written statement by the administrator of any facility 5523
in which a person has been hospitalized, institutionalized, or 5524
confined under an order made pursuant to or under authority of 5525
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 5526
2945.402 of the Revised Code alleging that the person has escaped 5527
from the facility, from confinement in a vehicle for 5528
transportation to or from the facility, or from supervision by an 5529
employee of the facility that is incidental to hospitalization, 5530
institutionalization, or confinement in the facility and that 5531
occurs outside of the facility, in violation of section 2921.34 of 5532
the Revised Code. 5533

(3)(a) For purposes of division (B)(1) of this section, a 5534
peace officer described in division (A) of this section has 5535
reasonable grounds to believe that the offense of domestic 5536
violence or the offense of violating a protection order has been 5537
committed and reasonable cause to believe that a particular person 5538
is guilty of committing the offense if any of the following 5539
occurs: 5540

(i) A person executes a written statement alleging that the 5541

person in question has committed the offense of domestic violence 5542
or the offense of violating a protection order against the person 5543
who executes the statement or against a child of the person who 5544
executes the statement. 5545

(ii) No written statement of the type described in division 5546
(B)(3)(a)(i) of this section is executed, but the peace officer, 5547
based upon the peace officer's own knowledge and observation of 5548
the facts and circumstances of the alleged incident of the offense 5549
of domestic violence or the alleged incident of the offense of 5550
violating a protection order or based upon any other information, 5551
including, but not limited to, any reasonably trustworthy 5552
information given to the peace officer by the alleged victim of 5553
the alleged incident of the offense or any witness of the alleged 5554
incident of the offense, concludes that there are reasonable 5555
grounds to believe that the offense of domestic violence or the 5556
offense of violating a protection order has been committed and 5557
reasonable cause to believe that the person in question is guilty 5558
of committing the offense. 5559

(iii) No written statement of the type described in division 5560
(B)(3)(a)(i) of this section is executed, but the peace officer 5561
witnessed the person in question commit the offense of domestic 5562
violence or the offense of violating a protection order. 5563

(b) If pursuant to division (B)(3)(a) of this section a peace 5564
officer has reasonable grounds to believe that the offense of 5565
domestic violence or the offense of violating a protection order 5566
has been committed and reasonable cause to believe that a 5567
particular person is guilty of committing the offense, it is the 5568
preferred course of action in this state that the officer arrest 5569
and detain that person pursuant to division (B)(1) of this section 5570
until a warrant can be obtained. 5571

If pursuant to division (B)(3)(a) of this section a peace 5572
officer has reasonable grounds to believe that the offense of 5573

domestic violence or the offense of violating a protection order 5574
has been committed and reasonable cause to believe that family or 5575
household members have committed the offense against each other, 5576
it is the preferred course of action in this state that the 5577
officer, pursuant to division (B)(1) of this section, arrest and 5578
detain until a warrant can be obtained the family or household 5579
member who committed the offense and whom the officer has 5580
reasonable cause to believe is the primary physical aggressor. 5581
There is no preferred course of action in this state regarding any 5582
other family or household member who committed the offense and 5583
whom the officer does not have reasonable cause to believe is the 5584
primary physical aggressor, but, pursuant to division (B)(1) of 5585
this section, the peace officer may arrest and detain until a 5586
warrant can be obtained any other family or household member who 5587
committed the offense and whom the officer does not have 5588
reasonable cause to believe is the primary physical aggressor. 5589

(c) If a peace officer described in division (A) of this 5590
section does not arrest and detain a person whom the officer has 5591
reasonable cause to believe committed the offense of domestic 5592
violence or the offense of violating a protection order when it is 5593
the preferred course of action in this state pursuant to division 5594
(B)(3)(b) of this section that the officer arrest that person, the 5595
officer shall articulate in the written report of the incident 5596
required by section 2935.032 of the Revised Code a clear statement 5597
of the officer's reasons for not arresting and detaining that 5598
person until a warrant can be obtained. 5599

(d) In determining for purposes of division (B)(3)(b) of this 5600
section which family or household member is the primary physical 5601
aggressor in a situation in which family or household members have 5602
committed the offense of domestic violence or the offense of 5603
violating a protection order against each other, a peace officer 5604
described in division (A) of this section, in addition to any 5605

other relevant circumstances, should consider all of the 5606
following: 5607

(i) Any history of domestic violence or of any other violent 5608
acts by either person involved in the alleged offense that the 5609
officer reasonably can ascertain; 5610

(ii) If violence is alleged, whether the alleged violence was 5611
caused by a person acting in self-defense; 5612

(iii) Each person's fear of physical harm, if any, resulting 5613
from the other person's threatened use of force against any person 5614
or resulting from the other person's use or history of the use of 5615
force against any person, and the reasonableness of that fear; 5616

(iv) The comparative severity of any injuries suffered by the 5617
persons involved in the alleged offense. 5618

(e)(i) A peace officer described in division (A) of this 5619
section shall not require, as a prerequisite to arresting or 5620
charging a person who has committed the offense of domestic 5621
violence or the offense of violating a protection order, that the 5622
victim of the offense specifically consent to the filing of 5623
charges against the person who has committed the offense or sign a 5624
complaint against the person who has committed the offense. 5625

(ii) If a person is arrested for or charged with committing 5626
the offense of domestic violence or the offense of violating a 5627
protection order and if the victim of the offense does not 5628
cooperate with the involved law enforcement or prosecuting 5629
authorities in the prosecution of the offense or, subsequent to 5630
the arrest or the filing of the charges, informs the involved law 5631
enforcement or prosecuting authorities that the victim does not 5632
wish the prosecution of the offense to continue or wishes to drop 5633
charges against the alleged offender relative to the offense, the 5634
involved prosecuting authorities, in determining whether to 5635
continue with the prosecution of the offense or whether to dismiss 5636

charges against the alleged offender relative to the offense and 5637
notwithstanding the victim's failure to cooperate or the victim's 5638
wishes, shall consider all facts and circumstances that are 5639
relevant to the offense, including, but not limited to, the 5640
statements and observations of the peace officers who responded to 5641
the incident that resulted in the arrest or filing of the charges 5642
and of all witnesses to that incident. 5643

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 5644
this section whether to arrest a person pursuant to division 5645
(B)(1) of this section, a peace officer described in division (A) 5646
of this section shall not consider as a factor any possible 5647
shortage of cell space at the detention facility to which the 5648
person will be taken subsequent to the person's arrest or any 5649
possibility that the person's arrest might cause, contribute to, 5650
or exacerbate overcrowding at that detention facility or at any 5651
other detention facility. 5652

(g) If a peace officer described in division (A) of this 5653
section intends pursuant to divisions (B)(3)(a) to (g) of this 5654
section to arrest a person pursuant to division (B)(1) of this 5655
section and if the officer is unable to do so because the person 5656
is not present, the officer promptly shall seek a warrant for the 5657
arrest of the person. 5658

(h) If a peace officer described in division (A) of this 5659
section responds to a report of an alleged incident of the offense 5660
of domestic violence or an alleged incident of the offense of 5661
violating a protection order and if the circumstances of the 5662
incident involved the use or threatened use of a deadly weapon or 5663
any person involved in the incident brandished a deadly weapon 5664
during or in relation to the incident, the deadly weapon that was 5665
used, threatened to be used, or brandished constitutes contraband, 5666
and, to the extent possible, the officer shall seize the deadly 5667
weapon as contraband pursuant to Chapter 2981. of the Revised 5668

Code. Upon the seizure of a deadly weapon pursuant to division 5669
(B)(3)(h) of this section, section 2981.12 of the Revised Code 5670
shall apply regarding the treatment and disposition of the deadly 5671
weapon. For purposes of that section, the "underlying criminal 5672
offense" that was the basis of the seizure of a deadly weapon 5673
under division (B)(3)(h) of this section and to which the deadly 5674
weapon had a relationship is any of the following that is 5675
applicable: 5676

(i) The alleged incident of the offense of domestic violence 5677
or the alleged incident of the offense of violating a protection 5678
order to which the officer who seized the deadly weapon responded; 5679

(ii) Any offense that arose out of the same facts and 5680
circumstances as the report of the alleged incident of the offense 5681
of domestic violence or the alleged incident of the offense of 5682
violating a protection order to which the officer who seized the 5683
deadly weapon responded. 5684

(4) If, in the circumstances described in divisions (B)(3)(a) 5685
to (g) of this section, a peace officer described in division (A) 5686
of this section arrests and detains a person pursuant to division 5687
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 5688
this section, a peace officer described in division (A) of this 5689
section seizes a deadly weapon, the officer, to the extent 5690
described in and in accordance with section 9.86 or 2744.03 of the 5691
Revised Code, is immune in any civil action for damages for 5692
injury, death, or loss to person or property that arises from or 5693
is related to the arrest and detention or the seizure. 5694

(C) When there is reasonable ground to believe that a 5695
violation of division (A)(1), (2), (3), (4), or (5) of section 5696
4506.15 or a violation of section 4511.19 of the Revised Code has 5697
been committed by a person operating a motor vehicle subject to 5698
regulation by the public utilities commission of Ohio under Title 5699
XLIX of the Revised Code, a peace officer with authority to 5700

enforce that provision of law may stop or detain the person whom 5701
the officer has reasonable cause to believe was operating the 5702
motor vehicle in violation of the division or section and, after 5703
investigating the circumstances surrounding the operation of the 5704
vehicle, may arrest and detain the person. 5705

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 5706
municipal police officer, member of a police force employed by a 5707
metropolitan housing authority under division (D) of section 5708
3735.31 of the Revised Code, member of a police force employed by 5709
a regional transit authority under division (Y) of section 306.35 5710
of the Revised Code, special police officer employed by a port 5711
authority under section 4582.04 or 4582.28 of the Revised Code, 5712
special police officer employed by a municipal corporation at a 5713
municipal airport or other municipal air navigation facility 5714
described in division (A) of this section, township constable, 5715
police officer of a township or joint township police district, 5716
state university law enforcement officer appointed under section 5717
3345.04 of the Revised Code, peace officer of the department of 5718
natural resources, individual designated to perform law 5719
enforcement duties under section 511.232, 1545.13, or 6101.75 of 5720
the Revised Code, the house sergeant at arms if the house sergeant 5721
at arms has arrest authority pursuant to division (E)(1) of 5722
section 101.311 of the Revised Code, or an assistant house 5723
sergeant at arms is authorized by division (A) or (B) of this 5724
section to arrest and detain, within the limits of the political 5725
subdivision, metropolitan housing authority housing project, 5726
regional transit authority facilities or those areas of a 5727
municipal corporation that have been agreed to by a regional 5728
transit authority and a municipal corporation located within its 5729
territorial jurisdiction, port authority, municipal airport or 5730
other municipal air navigation facility, college, or university in 5731
which the officer is appointed, employed, or elected or within the 5732
limits of the territorial jurisdiction of the peace officer, a 5733

person until a warrant can be obtained, the peace officer, outside 5734
the limits of that territory, may pursue, arrest, and detain that 5735
person until a warrant can be obtained if all of the following 5736
apply: 5737

(1) The pursuit takes place without unreasonable delay after 5738
the offense is committed; 5739

(2) The pursuit is initiated within the limits of the 5740
political subdivision, metropolitan housing authority housing 5741
project, regional transit authority facilities or those areas of a 5742
municipal corporation that have been agreed to by a regional 5743
transit authority and a municipal corporation located within its 5744
territorial jurisdiction, port authority, municipal airport or 5745
other municipal air navigation facility, college, or university in 5746
which the peace officer is appointed, employed, or elected or 5747
within the limits of the territorial jurisdiction of the peace 5748
officer; 5749

(3) The offense involved is a felony, a misdemeanor of the 5750
first degree or a substantially equivalent municipal ordinance, a 5751
misdemeanor of the second degree or a substantially equivalent 5752
municipal ordinance, or any offense for which points are 5753
chargeable pursuant to section 4510.036 of the Revised Code. 5754

(E) In addition to the authority granted under division (A) 5755
or (B) of this section: 5756

(1) A sheriff or deputy sheriff may arrest and detain, until 5757
a warrant can be obtained, any person found violating section 5758
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 5759
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 5760
portion of any street or highway that is located immediately 5761
adjacent to the boundaries of the county in which the sheriff or 5762
deputy sheriff is elected or appointed. 5763

(2) A member of the police force of a township police 5764

district created under section 505.48 of the Revised Code, a 5765
member of the police force of a joint township police district 5766
created under section 505.481 of the Revised Code, or a township 5767
constable appointed in accordance with section 509.01 of the 5768
Revised Code, who has received a certificate from the Ohio peace 5769
officer training commission under section 109.75 of the Revised 5770
Code, may arrest and detain, until a warrant can be obtained, any 5771
person found violating any section or chapter of the Revised Code 5772
listed in division (E)(1) of this section, other than sections 5773
4513.33 and 4513.34 of the Revised Code, on the portion of any 5774
street or highway that is located immediately adjacent to the 5775
boundaries of the township police district or joint township 5776
police district, in the case of a member of a township police 5777
district or joint township police district police force, or the 5778
unincorporated territory of the township, in the case of a 5779
township constable. However, if the population of the township 5780
that created the township police district served by the member's 5781
police force, or the townships that created the joint township 5782
police district served by the member's police force, or the 5783
township that is served by the township constable, is sixty 5784
thousand or less, the member of the township police district or 5785
joint police district police force or the township constable may 5786
not make an arrest under division (E)(2) of this section on a 5787
state highway that is included as part of the interstate system. 5788

(3) A police officer or village marshal appointed, elected, 5789
or employed by a municipal corporation may arrest and detain, 5790
until a warrant can be obtained, any person found violating any 5791
section or chapter of the Revised Code listed in division (E)(1) 5792
of this section on the portion of any street or highway that is 5793
located immediately adjacent to the boundaries of the municipal 5794
corporation in which the police officer or village marshal is 5795
appointed, elected, or employed. 5796

(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 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 lands and waters that constitute the territorial jurisdiction of the peace officer or state fire marshal law enforcement officer.

(F)(1) A department of mental health special police officer or a department of mental retardation and developmental disabilities special police officer may arrest without a warrant and detain until a warrant can be obtained any person found committing on the premises of any institution under the jurisdiction of the particular department a misdemeanor under a law of the state.

A department of mental health special police officer or a department of mental retardation and developmental disabilities special police officer may arrest without a warrant and detain until a warrant can be obtained any person who has been hospitalized, institutionalized, or confined in an institution under the jurisdiction of the particular department pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code and who is found committing on the premises of any institution under the jurisdiction of the particular department a violation of section 2921.34 of the Revised Code that involves an escape from the premises of the institution.

(2)(a) If a department of mental health special police officer or a department of mental retardation and developmental disabilities special police officer finds any person who has been hospitalized, institutionalized, or confined in an institution under the jurisdiction of the particular department pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code committing a violation of section 2921.34 of the Revised Code that involves an escape from the premises of the institution, or if there is reasonable ground to believe that a violation of section 2921.34 of the Revised Code has been committed that involves an escape from the premises of an institution under the jurisdiction of the department of mental health or the department of mental retardation and developmental disabilities and if a department of mental health special police officer or a department of mental retardation and developmental disabilities special police officer has reasonable cause to believe that a particular person who has been hospitalized, institutionalized, or confined in the institution pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code is guilty of the violation, the special police officer, outside of the premises of the institution, may pursue, arrest, and detain that person for that violation of section 2921.34 of the Revised Code, until a warrant can be obtained, if both of the following apply:

(i) The pursuit takes place without unreasonable delay after the offense is committed;

(ii) The pursuit is initiated within the premises of the institution from which the violation of section 2921.34 of the Revised Code occurred.

(b) For purposes of division (F)(2)(a) of this section, the execution of a written statement by the administrator of the

institution in which a person had been hospitalized, 5861
institutionalized, or confined pursuant to or under authority of 5862
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 5863
2945.402 of the Revised Code alleging that the person has escaped 5864
from the premises of the institution in violation of section 5865
2921.34 of the Revised Code constitutes reasonable ground to 5866
believe that the violation was committed and reasonable cause to 5867
believe that the person alleged in the statement to have committed 5868
the offense is guilty of the violation. 5869

(G) As used in this section: 5870

(1) A "department of mental health special police officer" 5871
means a special police officer of the department of mental health 5872
designated under section 5119.14 of the Revised Code who is 5873
certified by the Ohio peace officer training commission under 5874
section 109.77 of the Revised Code as having successfully 5875
completed an approved peace officer basic training program. 5876

(2) A "department of mental retardation and developmental 5877
disabilities special police officer" means a special police 5878
officer of the department of mental retardation and developmental 5879
disabilities designated under section 5123.13 of the Revised Code 5880
who is certified by the Ohio peace officer training council under 5881
section 109.77 of the Revised Code as having successfully 5882
completed an approved peace officer basic training program. 5883

(3) "Deadly weapon" has the same meaning as in section 5884
2923.11 of the Revised Code. 5885

(4) "Family or household member" has the same meaning as in 5886
section 2919.25 of the Revised Code. 5887

(5) "Street" or "highway" has the same meaning as in section 5888
4511.01 of the Revised Code. 5889

(6) "Interstate system" has the same meaning as in section 5890
5516.01 of the Revised Code. 5891

(7) "Peace officer of the department of natural resources" 5892
means an employee of the department of natural resources who is a 5893
natural resources law enforcement staff officer designated 5894
pursuant to section 1501.013 of the Revised Code, a forest officer 5895
designated pursuant to section 1503.29 of the Revised Code, a 5896
preserve officer designated pursuant to section 1517.10 of the 5897
Revised Code, a wildlife officer designated pursuant to section 5898
1531.13 of the Revised Code, a park officer designated pursuant to 5899
section 1541.10 of the Revised Code, or a state watercraft officer 5900
designated pursuant to section 1547.521 of the Revised Code. 5901

(8) "Portion of any street or highway" means all lanes of the 5902
street or highway irrespective of direction of travel, including 5903
designated turn lanes, and any berm, median, or shoulder. 5904

Sec. 2949.092. If a person is convicted of or pleads guilty 5905
to an offense and the court specifically is required, pursuant to 5906
section 2743.70, 2949.091, ~~or 2949.093,~~ or 2949.094 of the Revised 5907
Code or pursuant to any other section of the Revised Code to 5908
impose a specified sum of money as costs in the case in addition 5909
to any other costs that the court is required or permitted by law 5910
to impose in the case, the court shall not waive the payment of 5911
the specified additional court costs that the section of the 5912
Revised Code specifically requires the court to impose unless the 5913
court determines that the offender is indigent and the court 5914
waives the payment of all court costs imposed upon the offender. 5915

Sec. 2949.094. (A) The court in which any person is convicted 5916
of or pleads guilty to any moving violation shall impose an 5917
additional court cost of ten dollars upon the offender. The court 5918
shall not waive the payment of the ten dollars unless the court 5919
determines that the offender is indigent and waives the payment of 5920
all court costs imposed upon the indigent offender. 5921

The clerk of the court shall transmit thirty per cent of all additional court costs collected pursuant to this division during a month on the first business day of the following month to the division of criminal justice services, and the division of criminal justice services shall deposit the money so transmitted into the drug law enforcement fund created under section 5502.68 of the Revised Code. The clerk shall transmit twenty per cent of all additional court costs so collected during a month on the first business day of the following month to the state treasury to be credited to the indigent drivers alcohol treatment fund created under section 4511.191 of the Revised Code and to be distributed by the department of alcohol and drug addiction services as provided in division (H) of that section. The clerk shall transmit fifty per cent of all additional court costs so collected during a month on the first business day of the following month to the state treasury to be credited to the indigent defense support fund created pursuant to section 120.08 of the Revised Code.

(B) The juvenile court in which a child is found to be a juvenile traffic offender for an act that is a moving violation shall impose an additional court cost of ten dollars upon the juvenile traffic offender. The juvenile court shall not waive the payment of the ten dollars unless the court determines that the juvenile is indigent and waives the payment of all court costs imposed upon the indigent offender.

The clerk of the court shall transmit thirty per cent of all additional court costs collected pursuant to this division during a month on the first business day of the following month to the division of criminal justice services, and the division of criminal justice services shall deposit the money so transmitted into the drug law enforcement fund created under section 5502.68 of the Revised Code. The clerk shall transmit twenty per cent of all additional court costs so collected during a month on the

first business day of the following month to the state treasury to 5954
be credited to the indigent drivers alcohol treatment fund created 5955
under that section 4511.191 of the Revised Code and to be 5956
distributed by the department of alcohol and drug addiction 5957
services as provided in division (H) of that section. The clerk 5958
shall transmit fifty per cent of all additional court costs so 5959
collected during a month on the first business day of the 5960
following month to the state treasury to be credited to the 5961
indigent defense support fund created pursuant to section 120.08 5962
of the Revised Code. 5963

(C) Whenever a person is charged with any offense that is a 5964
moving violation and posts bail, the court shall add to the amount 5965
of the bail the ten dollars required to be paid by division (A) of 5966
this section. The clerk of the court shall retain the ten dollars 5967
until the person is convicted, pleads guilty, forfeits bail, is 5968
found not guilty, or has the charges dismissed. If the person is 5969
convicted, pleads guilty, or forfeits bail, the clerk shall 5970
transmit three dollars out of the ten dollars to the division of 5971
criminal justice services, and the division of criminal justice 5972
services shall deposit the money so transmitted into the drug law 5973
enforcement fund created under section 5502.68 of the Revised 5974
Code, the clerk shall transmit two dollars out of the ten dollars 5975
to the state treasury to be credited to the indigent drivers 5976
alcohol treatment fund created under section 4511.191 of the 5977
Revised Code and to be distributed by the department of alcohol 5978
and drug addiction services as provided in division (H) of that 5979
section, and the clerk shall transmit five dollars out of the ten 5980
dollars to the state treasury to be credited to the indigent 5981
defense support fund created under section 120.08 of the Revised 5982
Code. If the person is found not guilty or the charges are 5983
dismissed, the clerk shall return the ten dollars to the person. 5984

5985

(D) No person shall be placed or held in a detention facility 5986
for failing to pay the court cost or bail that is required to be 5987
paid by this section. 5988

(E) As used in this section: 5989

(1) "Bail" and "moving violation" have the same meanings as 5990
in section 2949.093 of the Revised Code. 5991

(2) "Detention facility" has the same meaning as in section 5992
2921.01 of the Revised Code. 5993

(3) "Division of criminal justice services" means the 5994
division of criminal justice services of the department of public 5995
safety, created by section 5502.62 of the Revised Code. 5996

Sec. 3119.023. When a court or child support enforcement 5997
agency calculates the amount of child support to be paid pursuant 5998
to a court child support order in a proceeding in which the 5999
parents have split parental rights and responsibilities with 6000
respect to the children who are the subject of the child support 6001
order, the court or child support enforcement agency shall use a 6002
worksheet that is identical in content and form to the following: 6003

CHILD SUPPORT COMPUTATION WORKSHEET 6004

SPLIT PARENTAL RIGHTS AND RESPONSIBILITIES 6005

Name of parties 6006

Case No. 6007

Number of minor children 6008

Number of minor children with mother father 6009

Column I Column II Column III 6010

Father Mother Combined 6011

INCOME: 6012

1.a. Annual gross income from 6013
employment or, when

	determined appropriate by			
	the court or agency,			
	average annual gross			
	income from employment			
	over a reasonable period			
	of years. (Exclude			
	overtime, bonuses,			
	self-employment income,			
	or commissions)			
	.....	\$.....	\$.....	6014
b.	Amount of overtime,			6015
	bonuses, and commissions			
	(year 1 representing the			
	most recent year)			
	Father		Mother	6016
	Yr. 3 \$.....		Yr. 3 \$.....	6017
	(Three years ago)		(Three years ago)	6018
	Yr. 2 \$.....		Yr. 2 \$.....	6019
	(Two years ago)		(Two years ago)	6020
	Yr. 1 \$.....		Yr. 1 \$.....	6021
	(Last calendar year)		(Last calendar year)	6022
	Average \$.....		\$.....	6023
	(Include in Col. I and/or			6024
	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)

	.....	\$.....	\$.....	6025
2.	For self-employment income			6026
a.	Gross receipts from business			6027
	.....	\$.....	\$.....	6028
b.	Ordinary and necessary business expenses			6029
	.....	\$.....	\$.....	6030
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			6031
	.....	\$.....	\$.....	6032

d.	Adjusted gross income			6033
	from self-employment			
	(subtract the sum of 2b			
	and 2c from 2a)			
	.....	\$.....	\$.....	6034
3.	Annual income from			6035
	interest and dividends			
	(whether or not taxable)			
	.....	\$.....	\$.....	6036
4.	Annual income from			6037
	unemployment compensation			
	.....	\$.....	\$.....	6038
5.	Annual income from			6039
	workers' compensation,			
	disability insurance			
	benefits or social			
	security disability			
	retirement benefits			
	.....	\$.....	\$.....	6040
6.	Other annual income			6041
	(identify)			
	.....	\$.....	\$.....	6042
7.a.	Total annual gross income			6043
	(add lines 1a, 1b, 2d,			
	and 3-6)			
	.....	\$.....	\$.....	6044
b.	Health insurance maximum			6045
	(multiply line 7a by 5%)			
	.....	\$.....	\$.....	6046
	ADJUSTMENTS TO INCOME:			6047
8.	Adjustment for minor			6048
	children born to or			
	adopted by either parent			

	and another parent who are living with this parent; adjustment does not apply to stepchildren (number of children times federal income tax exemption less child support received, not to exceed the federal tax exemption)	.....	\$.....	\$.....	6049
9.	Annual court-ordered support paid for other children	.....	\$.....	\$.....	6050
		.....	\$.....	\$.....	6051
10.	Annual court-ordered spousal support paid to any spouse or former spouse	.....	\$.....	\$.....	6052
		.....	\$.....	\$.....	6053
11.	Amount of local income taxes actually paid or estimated to be paid	.....	\$.....	\$.....	6054
		.....	\$.....	\$.....	6055
12.	Mandatory work-related deductions such as union dues, uniform fees, etc. (not including taxes, social security, or retirement)	.....	\$.....	\$.....	6056
		.....	\$.....	\$.....	6057
13.	Total gross income adjustments (add lines 8				6058

	through 12)			
	.....	\$.....	\$.....	6059
14.a.	Adjusted annual gross			6060
	income (subtract line 13			
	from 7a)			
	.....	\$.....	\$.....	6061
b.	Cash medical support			6062
	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.)				
	.....	\$.....	\$.....		6063
15.	Combined annual income that is basis for child support order (add line 14a, Col. I and Col. II)				6064
	.....		\$.....		6065
16.	Percentage of parent's income to total income				6066
a.	Father (divide line 14a, Col. I, by line 15, Col. III)%				6067
b.	Mother (divide line 14a, Col. II, by line 15, Col. III)%				6068
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		6069
	.....	\$.....	\$.....		6070
18.	Annual support obligation per parent				6071
a.	Of father for children				6072

	for whom mother is the residential parent and legal custodian (multiply line 17, Col. I, by line 16a)			
	.....	\$.....		6073
b.	Of mother for children for whom the father is the residential parent and legal custodian (multiply line 17, Col. II, by line 16b)			6074
	.....		\$.....	6075
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	6076
	.....	\$.....	\$.....	6077
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	Paid by father	Paid by mother	6078

	contributing cost of private single health insurance, divided by the total number of dependents covered by the plan, including the children subject of the support order, times the number of children subject of the support order)	.....	\$.....	\$.....	6079
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)	.....	\$.....	\$.....	6080
21.	ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS PROVIDED:				6082
	Father		Mother		6083
a.	Additions: line 16a		b.	Additions: line 16b	6084
	times sum of amounts			times sum of amounts	6085
	shown on line 19, Col. II			shown on line 19, Col. I	6086
	and line 20a, Col. II			and line 20a, Col. I	6087
	\$.....			\$.....	6088
c.	Subtractions: line 16b		d.	Subtractions: line 16a	6089

	times sum of amounts	times sum of amounts	6090
	shown on line 19, Col. I	shown on line 19, Col. II	6091
	and line 20a, Col. I	and line 20a, Col. II	6092
	\$.....	\$.....	6093
22.	ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS PROVIDED:		6094
a.	Father: line 18a plus		6095
	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)		
	.....	\$.....	6096
b.	Any non-means-tested		6097
	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		
	.....	\$.....	6098
c.	Actual annual obligation		6099
	of father (subtract line		
	22b from line 22a)		
	.....	\$.....	6100
d.	Mother: line 18b plus		6101

	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)		
	.....	\$.....	6102
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		6103
	.....	\$.....	6104
f.	Actual annual obligation of mother (subtract line 22e from line 22d)		6105
	.....	\$.....	6106
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		6107

	child support payable)			
	.....	\$.....	\$.....	6108
23.	ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT PROVIDED:			6109
	Father		Mother	6110
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	6111
	\$.....		\$.....	6112
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	6113
	\$.....		\$.....	6114
24.	ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:			6115
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)	\$.....		6116
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	\$.....		6117

	and legal custodian, or a person on behalf of the child, due to death, disability, or retirement of the father		
c.	Actual annual obligation of the father (subtract line 24b from line 24a)	\$.....	6118
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)		6119
	.....	\$.....	6120
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		6121
	.....	\$.....	6122
f.	Actual annual obligation of the mother (subtract line 24e from line 24d)	\$.....	6123
g.	Actual annual obligation		6124

	payable (subtract lesser actual annual obligation from greater annual obligation of parents using amounts in lines 24c and 24f to determine net child support payable)	..... \$..... \$.....	6125
h.	Add line 20b, Col. I, to line 24g, Col. I, when father is the obligor or line 20b, Col. II, to line 24g, Col. II, when mother is obligor	..... \$..... \$.....	6126
25.	Deviation from split residential parent guideline amount shown on line 22c, 22f, 24c, or 24f if amount would be unjust or inappropriate: (see section 3119.23 of the Revised Code.) (Specific facts and monetary value must be stated.)		6128
	.....		6129
	.....		6130
	.....		6131
	.....		6132
			6133
	WHEN	WHEN	6134
	HEALTH	HEALTH	6135
	INSURANCE	INSURANCE	6136
	IS	IS NOT	6137
	PROVIDED	PROVIDED	6138
26.	FINAL CHILD SUPPORT FIGURE: (This amount reflects final annual		6139

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,	6140
			OBLIGOR	
27.	FOR DECREE: Child support per month (divide obligor's annual share, line 26, by 12) plus any processing charge			6141
	..... \$.....	\$.....		6142
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)			6143
	.....	\$.....		6144
29.	FOR DECREE: Cash medical support per month (divide line 28 by 12)			6145
	.....	\$.....		6146
Prepared by:				6147

Counsel:	Pro se:	6148
(For mother/father)		6149
CSEA:	Other:	6150
Worksheet Has Been Reviewed and Agreed To:		6151
.....	.....	6152
Mother	Date	6153
.....	.....	6154
Father	Date	6155

Sec. 3301.0714. (A) The state board of education shall adopt 6156
rules for a statewide education management information system. The 6157
rules shall require the state board to establish guidelines for 6158
the establishment and maintenance of the system in accordance with 6159
this section and the rules adopted under this section. The 6160
guidelines shall include: 6161

(1) Standards identifying and defining the types of data in 6162
the system in accordance with divisions (B) and (C) of this 6163
section; 6164

(2) Procedures for annually collecting and reporting the data 6165
to the state board in accordance with division (D) of this 6166
section; 6167

(3) Procedures for annually compiling the data in accordance 6168
with division (G) of this section; 6169

(4) Procedures for annually reporting the data to the public 6170
in accordance with division (H) of this section. 6171

(B) The guidelines adopted under this section shall require 6172
the data maintained in the education management information system 6173
to include at least the following: 6174

(1) Student participation and performance data, for each 6175
grade in each school district as a whole and for each grade in 6176
each school building in each school district, that includes: 6177

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

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

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

(d) Academic achievement levels as assessed by the testing of student achievement under sections 3301.0710 and 3301.0711 of the Revised Code;

(e) The number of students designated as having a disabling

condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	6210 6211
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	6212 6213 6214
(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.	6215 6216 6217 6218
(h) Expulsion rates;	6219
(i) Suspension rates;	6220
(j) The percentage of students receiving corporal punishment;	6221
(k) Dropout rates;	6222
(l) Rates of retention in grade;	6223
(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	6224 6225 6226
(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;	6227 6228 6229 6230 6231
(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.	6232 6233 6234 6235 6236 6237 6238
(2) Personnel and classroom enrollment data for each school	6239

district, including: 6240

(a) The total numbers of licensed employees and nonlicensed 6241
employees and the numbers of full-time equivalent licensed 6242
employees and nonlicensed employees providing each category of 6243
instructional service, instructional support service, and 6244
administrative support service used pursuant to division (C)(3) of 6245
this section. The guidelines adopted under this section shall 6246
require these categories of data to be maintained for the school 6247
district as a whole and, wherever applicable, for each grade in 6248
the school district as a whole, for each school building as a 6249
whole, and for each grade in each school building. 6250

(b) The total number of employees and the number of full-time 6251
equivalent employees providing each category of service used 6252
pursuant to divisions (C)(4)(a) and (b) of this section, and the 6253
total numbers of licensed employees and nonlicensed employees and 6254
the numbers of full-time equivalent licensed employees and 6255
nonlicensed employees providing each category used pursuant to 6256
division (C)(4)(c) of this section. The guidelines adopted under 6257
this section shall require these categories of data to be 6258
maintained for the school district as a whole and, wherever 6259
applicable, for each grade in the school district as a whole, for 6260
each school building as a whole, and for each grade in each school 6261
building. 6262

(c) The total number of regular classroom teachers teaching 6263
classes of regular education and the average number of pupils 6264
enrolled in each such class, in each of grades kindergarten 6265
through five in the district as a whole and in each school 6266
building in the school district. 6267

(d) The number of master teachers employed by each school 6268
district and each school building, once a definition of master 6269
teacher has been developed by the educator standards board 6270
pursuant to section 3319.61 of the Revised Code. 6271

(3)(a) Student demographic data for each school district, 6272
including information regarding the gender ratio of the school 6273
district's pupils, the racial make-up of the school district's 6274
pupils, the number of limited English proficient students in the 6275
district, and an appropriate measure of the number of the school 6276
district's pupils who reside in economically disadvantaged 6277
households. The demographic data shall be collected in a manner to 6278
allow correlation with data collected under division (B)(1) of 6279
this section. Categories for data collected pursuant to division 6280
(B)(3) of this section shall conform, where appropriate, to 6281
standard practices of agencies of the federal government. 6282

(b) With respect to each student entering kindergarten, 6283
whether the student previously participated in a public preschool 6284
program, a private preschool program, or a head start program, and 6285
the number of years the student participated in each of these 6286
programs. 6287

(4) Any data required to be collected pursuant to federal 6288
law. 6289

(C) The education management information system shall include 6290
cost accounting data for each district as a whole and for each 6291
school building in each school district. The guidelines adopted 6292
under this section shall require the cost data for each school 6293
district to be maintained in a system of mutually exclusive cost 6294
units and shall require all of the costs of each school district 6295
to be divided among the cost units. The guidelines shall require 6296
the system of mutually exclusive cost units to include at least 6297
the following: 6298

(1) Administrative costs for the school district as a whole. 6299
The guidelines shall require the cost units under this division 6300
(C)(1) to be designed so that each of them may be compiled and 6301
reported in terms of average expenditure per pupil in formula ADM 6302
in the school district, as determined pursuant to section 3317.03 6303

of the Revised Code. 6304

(2) Administrative costs for each school building in the 6305
school district. The guidelines shall require the cost units under 6306
this division (C)(2) to be designed so that each of them may be 6307
compiled and reported in terms of average expenditure per 6308
full-time equivalent pupil receiving instructional or support 6309
services in each building. 6310

(3) Instructional services costs for each category of 6311
instructional service provided directly to students and required 6312
by guidelines adopted pursuant to division (B)(1)(a) of this 6313
section. The guidelines shall require the cost units under 6314
division (C)(3) of this section to be designed so that each of 6315
them may be compiled and reported in terms of average expenditure 6316
per pupil receiving the service in the school district as a whole 6317
and average expenditure per pupil receiving the service in each 6318
building in the school district and in terms of a total cost for 6319
each category of service and, as a breakdown of the total cost, a 6320
cost for each of the following components: 6321

(a) The cost of each instructional services category required 6322
by guidelines adopted under division (B)(1)(a) of this section 6323
that is provided directly to students by a classroom teacher; 6324

(b) The cost of the instructional support services, such as 6325
services provided by a speech-language pathologist, classroom 6326
aide, multimedia aide, or librarian, provided directly to students 6327
in conjunction with each instructional services category; 6328

(c) The cost of the administrative support services related 6329
to each instructional services category, such as the cost of 6330
personnel that develop the curriculum for the instructional 6331
services category and the cost of personnel supervising or 6332
coordinating the delivery of the instructional services category. 6333

(4) Support or extracurricular services costs for each 6334

category of service directly provided to students and required by 6335
guidelines adopted pursuant to division (B)(1)(b) of this section. 6336
The guidelines shall require the cost units under division (C)(4) 6337
of this section to be designed so that each of them may be 6338
compiled and reported in terms of average expenditure per pupil 6339
receiving the service in the school district as a whole and 6340
average expenditure per pupil receiving the service in each 6341
building in the school district and in terms of a total cost for 6342
each category of service and, as a breakdown of the total cost, a 6343
cost for each of the following components: 6344

(a) The cost of each support or extracurricular services 6345
category required by guidelines adopted under division (B)(1)(b) 6346
of this section that is provided directly to students by a 6347
licensed employee, such as services provided by a guidance 6348
counselor or any services provided by a licensed employee under a 6349
supplemental contract; 6350

(b) The cost of each such services category provided directly 6351
to students by a nonlicensed employee, such as janitorial 6352
services, cafeteria services, or services of a sports trainer; 6353

(c) The cost of the administrative services related to each 6354
services category in division (C)(4)(a) or (b) of this section, 6355
such as the cost of any licensed or nonlicensed employees that 6356
develop, supervise, coordinate, or otherwise are involved in 6357
administering or aiding the delivery of each services category. 6358

(D)(1) The guidelines adopted under this section shall 6359
require school districts to collect information about individual 6360
students, staff members, or both in connection with any data 6361
required by division (B) or (C) of this section or other reporting 6362
requirements established in the Revised Code. The guidelines may 6363
also require school districts to report information about 6364
individual staff members in connection with any data required by 6365
division (B) or (C) of this section or other reporting 6366

requirements established in the Revised Code. The guidelines shall 6367
not authorize school districts to request social security numbers 6368
of individual students. The guidelines shall prohibit the 6369
reporting under this section of a student's name, address, and 6370
social security number to the state board of education or the 6371
department of education. The guidelines shall also prohibit the 6372
reporting under this section of any personally identifiable 6373
information about any student, except for the purpose of assigning 6374
the data verification code required by division (D)(2) of this 6375
section, to any other person unless such person is employed by the 6376
school district or the information technology center operated 6377
under section 3301.075 of the Revised Code and is authorized by 6378
the district or technology center to have access to such 6379
information or is employed by an entity with which the department 6380
contracts for the scoring of tests administered under section 6381
3301.0711 or 3301.0712 of the Revised Code. The guidelines may 6382
require school districts to provide the social security numbers of 6383
individual staff members. 6384

(2) The guidelines shall provide for each school district or 6385
community school to assign a data verification code that is unique 6386
on a statewide basis over time to each student whose initial Ohio 6387
enrollment is in that district or school and to report all 6388
required individual student data for that student utilizing such 6389
code. The guidelines shall also provide for assigning data 6390
verification codes to all students enrolled in districts or 6391
community schools on the effective date of the guidelines 6392
established under this section. 6393

Individual student data shall be reported to the department 6394
through the information technology centers utilizing the code but, 6395
except as provided in ~~section~~ sections 3310.11, 3310.42, 3313.978, 6396
and 3317.20 of the Revised Code, at no time shall the state board 6397
or the department have access to information that would enable any 6398

data verification code to be matched to personally identifiable student data. 6399
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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. 6401
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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. 6407
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(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. 6411
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(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. 6421
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(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 6427
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shall design formats for profiling each school district as a whole 6430
and each school building within each district and shall compile 6431
the data in accordance with these formats. These profile formats 6432
shall: 6433

(1) Include all of the data gathered under this section in a 6434
manner that facilitates comparison among school districts and 6435
among school buildings within each school district; 6436

(2) Present the data on academic achievement levels as 6437
assessed by the testing of student achievement maintained pursuant 6438
to division (B)(1)(d) of this section. 6439

(H)(1) The state board shall, in accordance with the 6440
procedures it adopts, annually prepare a statewide report for all 6441
school districts and the general public that includes the profile 6442
of each of the school districts developed pursuant to division (G) 6443
of this section. Copies of the report shall be sent to each school 6444
district. 6445

(2) The state board shall, in accordance with the procedures 6446
it adopts, annually prepare an individual report for each school 6447
district and the general public that includes the profiles of each 6448
of the school buildings in that school district developed pursuant 6449
to division (G) of this section. Copies of the report shall be 6450
sent to the superintendent of the district and to each member of 6451
the district board of education. 6452

(3) Copies of the reports received from the state board under 6453
divisions (H)(1) and (2) of this section shall be made available 6454
to the general public at each school district's offices. Each 6455
district board of education shall make copies of each report 6456
available to any person upon request and payment of a reasonable 6457
fee for the cost of reproducing the report. The board shall 6458
annually publish in a newspaper of general circulation in the 6459
school district, at least twice during the two weeks prior to the 6460

week in which the reports will first be available, a notice 6461
containing the address where the reports are available and the 6462
date on which the reports will be available. 6463

(I) Any data that is collected or maintained pursuant to this 6464
section and that identifies an individual pupil is not a public 6465
record for the purposes of section 149.43 of the Revised Code. 6466

(J) As used in this section: 6467

(1) "School district" means any city, local, exempted 6468
village, or joint vocational school district and, in accordance 6469
with section 3314.17 of the Revised Code, any community school. As 6470
used in division (L) of this section, "school district" also 6471
includes any educational service center or other educational 6472
entity required to submit data using the system established under 6473
this section. 6474

(2) "Cost" means any expenditure for operating expenses made 6475
by a school district excluding any expenditures for debt 6476
retirement except for payments made to any commercial lending 6477
institution for any loan approved pursuant to section 3313.483 of 6478
the Revised Code. 6479

(K) Any person who removes data from the information system 6480
established under this section for the purpose of releasing it to 6481
any person not entitled under law to have access to such 6482
information is subject to section 2913.42 of the Revised Code 6483
prohibiting tampering with data. 6484

(L)(1) In accordance with division (L)(2) of this section and 6485
the rules adopted under division (L)(10) of this section, the 6486
department of education may sanction any school district that 6487
reports incomplete or inaccurate data, reports data that does not 6488
conform to data requirements and descriptions published by the 6489
department, fails to report data in a timely manner, or otherwise 6490
does not make a good faith effort to report data as required by 6491

this section. 6492

(2) If the department decides to sanction a school district 6493
under this division, the department shall take the following 6494
sequential actions: 6495

(a) Notify the district in writing that the department has 6496
determined that data has not been reported as required under this 6497
section and require the district to review its data submission and 6498
submit corrected data by a deadline established by the department. 6499
The department also may require the district to develop a 6500
corrective action plan, which shall include provisions for the 6501
district to provide mandatory staff training on data reporting 6502
procedures. 6503

(b) Withhold up to ten per cent of the total amount of state 6504
funds due to the district for the current fiscal year and, if not 6505
previously required under division (L)(2)(a) of this section, 6506
require the district to develop a corrective action plan in 6507
accordance with that division; 6508

(c) Withhold an additional amount of up to twenty per cent of 6509
the total amount of state funds due to the district for the 6510
current fiscal year; 6511

(d) Direct department staff or an outside entity to 6512
investigate the district's data reporting practices and make 6513
recommendations for subsequent actions. The recommendations may 6514
include one or more of the following actions: 6515

(i) Arrange for an audit of the district's data reporting 6516
practices by department staff or an outside entity; 6517

(ii) Conduct a site visit and evaluation of the district; 6518

(iii) Withhold an additional amount of up to thirty per cent 6519
of the total amount of state funds due to the district for the 6520
current fiscal year; 6521

- (iv) Continue monitoring the district's data reporting; 6522
- (v) Assign department staff to supervise the district's data management system; 6523
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- (vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section; 6525
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- (vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section; 6528
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- (viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district; 6532
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- (ix) Any other action designed to correct the district's data reporting problems. 6537
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- (3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files. 6539
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- (4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under 6545
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division (L)(2)(b) of this section and, if the department withheld 6553
funding under division (L)(2)(d) of this section, the department 6554
shall not release the funds withheld under division (L)(2)(b) or 6555
(c) of this section. 6556

(5) Notwithstanding anything in this section to the contrary, 6557
the department may use its own staff or an outside entity to 6558
conduct an audit of a school district's data reporting practices 6559
any time the department has reason to believe the district has not 6560
made a good faith effort to report data as required by this 6561
section. If any audit conducted by an outside entity under 6562
division (L)(2)(d)(i) or (5) of this section confirms that a 6563
district has not made a good faith effort to report data as 6564
required by this section, the district shall reimburse the 6565
department for the full cost of the audit. The department may 6566
withhold state funds due to the district for this purpose. 6567

(6) Prior to issuing a revised report card for a school 6568
district under division (L)(2)(d)(viii) of this section, the 6569
department may hold a hearing to provide the district with an 6570
opportunity to demonstrate that it made a good faith effort to 6571
report data as required by this section. The hearing shall be 6572
conducted by a referee appointed by the department. Based on the 6573
information provided in the hearing, the referee shall recommend 6574
whether the department should issue a revised report card for the 6575
district. If the referee affirms the department's contention that 6576
the district did not make a good faith effort to report data as 6577
required by this section, the district shall bear the full cost of 6578
conducting the hearing and of issuing any revised report card. 6579

(7) If the department determines that any inaccurate data 6580
reported under this section caused a school district to receive 6581
excess state funds in any fiscal year, the district shall 6582
reimburse the department an amount equal to the excess funds, in 6583
accordance with a payment schedule determined by the department. 6584

The department may withhold state funds due to the district for 6585
this purpose. 6586

(8) Any school district that has funds withheld under 6587
division (L)(2) of this section may appeal the withholding in 6588
accordance with Chapter 119. of the Revised Code. 6589

(9) In all cases of a disagreement between the department and 6590
a school district regarding the appropriateness of an action taken 6591
under division (L)(2) of this section, the burden of proof shall 6592
be on the district to demonstrate that it made a good faith effort 6593
to report data as required by this section. 6594

(10) The state board of education shall adopt rules under 6595
Chapter 119. of the Revised Code to implement division (L) of this 6596
section. 6597

(M) No information technology center or school district shall 6598
acquire, change, or update its student administration software 6599
package to manage and report data required to be reported to the 6600
department unless it converts to a student software package that 6601
is certified by the department. 6602

(N) The state board of education, in accordance with sections 6603
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 6604
license as defined under division (A) of section 3319.31 of the 6605
Revised Code that has been issued to any school district employee 6606
found to have willfully reported erroneous, inaccurate, or 6607
incomplete data to the education management information system. 6608

(O) No person shall release or maintain any information about 6609
any student in violation of this section. Whoever violates this 6610
division is guilty of a misdemeanor of the fourth degree. 6611

(P) The department shall disaggregate the data collected 6612
under division (B)(1)(o) of this section according to the race and 6613
socioeconomic status of the students assessed. No data collected 6614
under that division shall be included on the report cards required 6615

by section 3302.03 of the Revised Code. 6616

(Q) If the department cannot compile any of the information 6617
required by division (C)(5) of section 3302.03 of the Revised Code 6618
based upon the data collected under this section, the department 6619
shall develop a plan and a reasonable timeline for the collection 6620
of any data necessary to comply with that division. 6621

Sec. 3310.42. (A) Only for the purpose of administering the 6622
autism scholarship program, the department of education may 6623
request from any of the following entities the data verification 6624
code assigned under division (D)(2) of section 3301.0714 of the 6625
Revised Code to any child who is seeking a scholarship under the 6626
program: 6627

(1) The school district in which the child is entitled to 6628
attend school; 6629

(2) If applicable, the community school in which the child is 6630
enrolled; 6631

(3) The independent contractor engaged to create and maintain 6632
data verification codes. 6633

(B) Upon a request by the department under division (A) of 6634
this section for the data verification code of a child seeking a 6635
scholarship or a request by the child's parent for that code, the 6636
school district or community school shall submit that code to the 6637
department or parent in the manner specified by the department. If 6638
the child has not been assigned a code, because the child will be 6639
entering preschool or kindergarten during the school year for 6640
which the scholarship is sought, the district shall assign a code 6641
to that child and submit the code to the department or parent by a 6642
date specified by the department. If the district does not assign 6643
a code to the child by the specified date, the department shall 6644
assign a code to the child. 6645

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

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

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

Sec. 3311.21. (A) In addition to the resolutions authorized by sections 5705.194, 5705.199, 5705.21, 5705.212, and 5705.213 of the Revised Code, the board of education of a joint vocational or cooperative education school district by a vote of two-thirds of its full membership may at any time adopt a resolution declaring the necessity to levy a tax in excess of the ten-mill limitation for a period not to exceed ten years to provide funds for any one or more of the following purposes, which may be stated in the following manner in such resolution, the ballot, and the notice of election: purchasing a site or enlargement thereof and for the erection and equipment of buildings; for the purpose of enlarging, improving, or rebuilding thereof; for the purpose of providing for the current expenses of the joint vocational or cooperative school district; or for a continuing period for the purpose of providing for the current expenses of the joint vocational or cooperative education school district. The resolution shall specify the amount of the proposed rate and, if a renewal, whether the levy is to renew all, or a portion of, the existing levy, and shall specify

the first year in which the levy will be imposed. If the levy 6677
provides for but is not limited to current expenses, the 6678
resolution shall apportion the annual rate of the levy between 6679
current expenses and the other purpose or purposes. Such 6680
apportionment may but need not be the same for each year of the 6681
levy, but the respective portions of the rate actually levied each 6682
year for current expenses and the other purpose or purposes shall 6683
be limited by such apportionment. The portion of any such rate 6684
actually levied for current expenses of a joint vocational or 6685
cooperative education school district shall be used in applying 6686
division (A) of section 3317.01 of the Revised Code. The portion 6687
of any such rate not apportioned to the current expenses of a 6688
joint vocational or cooperative education school district shall be 6689
used in applying division (B) of this section. On the adoption of 6690
such resolution, the joint vocational or cooperative education 6691
school district board of education shall certify the resolution to 6692
the board of elections of the county containing the most populous 6693
portion of the district, which board shall receive resolutions for 6694
filing and send them to the boards of elections of each county in 6695
which territory of the district is located, furnish all ballots 6696
for the election as provided in section 3505.071 of the Revised 6697
Code, and prepare the election notice; and the board of elections 6698
of each county in which the territory of such district is located 6699
shall make the other necessary arrangements for the submission of 6700
the question to the electors of the joint vocational or 6701
cooperative education school district at the next primary or 6702
general election occurring not less than seventy-five days after 6703
the resolution was received from the joint vocational or 6704
cooperative education school district board of education, or at a 6705
special election to be held at a time designated by the district 6706
board of education consistent with the requirements of section 6707
3501.01 of the Revised Code, which date shall not be earlier than 6708
seventy-five days after the adoption and certification of the 6709

resolution. 6710

The board of elections of the county or counties in which 6711
territory of the joint vocational or cooperative education school 6712
district is located shall cause to be published in one or more 6713
newspapers of general circulation in that district an 6714
advertisement of the proposed tax levy question together with a 6715
statement of the amount of the proposed levy once a week for two 6716
consecutive weeks, prior to the election at which the question is 6717
to appear on the ballot, and, if the board of elections operates 6718
and maintains a web site, the board also shall post a similar 6719
advertisement on its web site for thirty days prior to that 6720
election. 6721

If a majority of the electors voting on the question of 6722
levying such tax vote in favor of the levy, the joint vocational 6723
or cooperative education school district board of education shall 6724
annually make the levy within the district at the rate specified 6725
in the resolution and ballot or at any lesser rate, and the county 6726
auditor of each affected county shall annually place the levy on 6727
the tax list and duplicate of each school district in the county 6728
having territory in the joint vocational or cooperative education 6729
school district. The taxes realized from the levy shall be 6730
collected at the same time and in the same manner as other taxes 6731
on the duplicate, and the taxes, when collected, shall be paid to 6732
the treasurer of the joint vocational or cooperative education 6733
school district and deposited to a special fund, which shall be 6734
established by the joint vocational or cooperative education 6735
school district board of education for all revenue derived from 6736
any tax levied pursuant to this section and for the proceeds of 6737
anticipation notes which shall be deposited in such fund. After 6738
the approval of the levy, the joint vocational or cooperative 6739
education school district board of education may anticipate a 6740
fraction of the proceeds of the levy and from time to time, during 6741

the life of the levy, but in any year prior to the time when the 6742
tax collection from the levy so anticipated can be made for that 6743
year, issue anticipation notes in an amount not exceeding fifty 6744
per cent of the estimated proceeds of the levy to be collected in 6745
each year up to a period of five years after the date of the 6746
issuance of the notes, less an amount equal to the proceeds of the 6747
levy obligated for each year by the issuance of anticipation 6748
notes, provided that the total amount maturing in any one year 6749
shall not exceed fifty per cent of the anticipated proceeds of the 6750
levy for that year. Each issue of notes shall be sold as provided 6751
in Chapter 133. of the Revised Code, and shall, except for such 6752
limitation that the total amount of such notes maturing in any one 6753
year shall not exceed fifty per cent of the anticipated proceeds 6754
of the levy for that year, mature serially in substantially equal 6755
installments, during each year over a period not to exceed five 6756
years after their issuance. 6757

(B) Prior to the application of section 319.301 of the 6758
Revised Code, the rate of a levy that is limited to, or to the 6759
extent that it is apportioned to, purposes other than current 6760
expenses shall be reduced in the same proportion in which the 6761
district's total valuation increases during the life of the levy 6762
because of additions to such valuation that have resulted from 6763
improvements added to the tax list and duplicate. 6764

(C) The form of ballot cast at an election under division (A) 6765
of this section shall be as prescribed by section 5705.25 of the 6766
Revised Code. 6767

Sec. 3311.24. (A)(1) Except as provided in division (B) of 6768
this section, the board of education of a city, exempted village, 6769
or local school district shall file with the state board of 6770
education a proposal to transfer territory from such district to 6771
an adjoining city, exempted village, or local school district in 6772

any of the following circumstances: 6773

(a) The district board deems the transfer advisable and, if 6774
the portion of the district proposed to be transferred is five 6775
acres or more, the board has obtained written consent to the 6776
transfer from seventy-five per cent of the owners of parcels of 6777
real property on the tax duplicate within that portion of the 6778
district; 6779

(b) A petition, signed by seventy-five per cent of the 6780
qualified electors residing within that portion of a city, 6781
exempted village, or local school district proposed to be 6782
transferred voting at the last general election, requests such a 6783
transfer; 6784

(c) If no qualified electors reside in that portion of the 6785
district proposed to be transferred, a petition, signed by 6786
seventy-five per cent of the owners of parcels of real property on 6787
the tax duplicate within that portion of the district, requests 6788
such a transfer. 6789

(2) The board of education of the district in which such 6790
proposal originates shall file such proposal, together with a map 6791
showing the boundaries of the territory proposed to be 6792
transferred, with the state board of education prior to the first 6793
day of April in any even-numbered year. The state board of 6794
education may, if it is advisable, provide for a hearing in any 6795
suitable place in any of the school districts affected by such 6796
proposed transfer of territory. The state board of education or 6797
its representatives shall preside at any such hearing. 6798

(3) A board of education of a city, exempted village, or 6799
local school district that receives a petition of transfer signed 6800
by electors of the district under division (A)(1)(b) of this 6801
section shall cause the board of elections to check the 6802
sufficiency of signatures on the petition. A board of education of 6803

a city, exempted village, or local school district that receives 6804
written consent or a petition of transfer signed by owners of 6805
parcels of real property under division (A)(1)(a) or (c) of this 6806
section shall cause the county auditor to check the sufficiency of 6807
signatures on the consent or petition. 6808

(4) Not later than the first day of September the state board 6809
of education shall either approve or disapprove a proposed 6810
transfer of territory filed with it as provided by this section 6811
and shall notify, in writing, the boards of education of the 6812
districts affected by such proposed transfer of territory of its 6813
decision. 6814

If the decision of the state board of education is an 6815
approval of the proposed transfer of territory then the board of 6816
education of the district in which the territory is located shall, 6817
within thirty days after receiving the state board of education's 6818
decision, adopt a resolution transferring the territory and shall 6819
forthwith submit a copy of such resolution to the treasurer of the 6820
board of education of the city, exempted village, or local school 6821
district to which the territory is transferred. Such transfer 6822
shall not be complete however, until: 6823

(a) A resolution accepting the transfer has been passed by a 6824
majority vote of the full membership of the board of education of 6825
the city, exempted village, or local school district to which the 6826
territory is transferred; 6827

(b) An equitable division of the funds and indebtedness 6828
between the districts involved has been made by the board of 6829
education making the transfer; 6830

(c) A map showing the boundaries of the territory transferred 6831
has been filed, by the board of education accepting the transfer, 6832
with the county auditor of each county affected by the transfer. 6833

When such transfer is complete the legal title of the school 6834

property in the territory transferred shall be vested in the board 6835
of education or governing board of the school district to which 6836
the territory is transferred. 6837

(B) Whenever the transfer of territory pursuant to this 6838
section is initiated by a board of education, the board shall, 6839
before filing a proposal for transfer with the state board of 6840
education under this section, make a good faith effort to 6841
negotiate the terms of transfer with any other school district 6842
whose territory would be affected by the transfer. Before the 6843
state board may hold a hearing on the transfer, or approve or 6844
disapprove any such transfer, it must receive the following: 6845

(1) A resolution requesting approval of the transfer, passed 6846
by the school district submitting the proposal and, if applicable, 6847
evidence of the consent of affected property owners to the 6848
transfer; 6849

(2) Evidence determined to be sufficient by the state board 6850
to show that good faith negotiations have taken place or that the 6851
district requesting the transfer has made a good faith effort to 6852
hold such negotiations; 6853

(3) If any negotiations took place, a statement signed by all 6854
boards that participated in the negotiations, listing the terms 6855
agreed on and the points on which no agreement could be reached. 6856

Negotiations held pursuant to this section shall be governed 6857
by the rules adopted by the state board under division (D) of 6858
section 3311.06 of the Revised Code. Districts involved in a 6859
transfer under division (B) of this section may agree to share 6860
revenues from the property included in the territory to be 6861
transferred, establish cooperative programs between the 6862
participating districts, and establish mechanisms for the 6863
settlement of any future boundary disputes. 6864

Sec. 3313.842. (A) The boards of education of any two or more school districts may enter into an agreement for joint or cooperative establishment and operation of any educational program including any class, course, or program that may be included in a school district's graded course of study and staff development programs for teaching and nonteaching school employees. Each school district that is party to such an agreement may contribute funds of the district in support of the agreement and for the establishment and operation of any educational program established under the agreement. The agreement shall designate one of the districts as the district responsible for receiving and disbursing the funds contributed by the districts that are parties to the agreement.

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

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

The state superintendent shall provide information about the scholarship program to all students residing in the district, shall accept applications from any such students until such date as shall be established by the state superintendent as a deadline for applications, and shall establish criteria for the selection of students to receive scholarships from among all those applying prior to the deadline, which criteria shall give preference to

students from low-income families. For each student selected, the state superintendent shall also determine whether the student qualifies for seventy-five or ninety per cent of the scholarship amount. Students whose family income is at or above two hundred per cent of the maximum income level established by the state superintendent for low-income families shall qualify for seventy-five per cent of the scholarship amount and students whose family income is below two hundred per cent of that maximum income level shall qualify for ninety per cent of the scholarship amount. The state superintendent shall notify students of their selection prior to the fifteenth day of January and whether they qualify for seventy-five or ninety per cent of the scholarship amount.

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

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

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

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

(i) By the fifteenth day of March of the preceding school year if the student filed an application by the fifteenth day of February and was admitted by the school pursuant to division (A)

of section 3313.977 of the Revised Code; 6927

(ii) Within one week of the decision to admit the student if 6928
the student is admitted pursuant to division (C) of section 6929
3313.977 of the Revised Code. 6930

(c) The student actually enrolls in the registered private 6931
school to which the student was first admitted or in another 6932
registered private school in the district or in a public school in 6933
an adjacent school district. 6934

(B) The state superintendent shall also award in any school 6935
year tutorial assistance grants to a number of students equal to 6936
the number of students who receive scholarships under division (A) 6937
of this section. Tutorial assistance grants shall be awarded 6938
solely to students who are enrolled in the public schools of the 6939
district in a grade level covered by the pilot project. Tutorial 6940
assistance grants may be used solely to obtain tutorial assistance 6941
from a provider approved pursuant to division (D) of section 6942
3313.976 of the Revised Code. 6943

All students wishing to obtain tutorial assistance grants 6944
shall make application to the state superintendent by the first 6945
day of the school year in which the assistance will be used. The 6946
state superintendent shall award assistance grants in accordance 6947
with criteria the superintendent shall establish. For each student 6948
awarded a grant, the state superintendent shall also determine 6949
whether the student qualifies for seventy-five or ninety per cent 6950
of the grant amount and so notify the student. Students whose 6951
family income is at or above two hundred per cent of the maximum 6952
income level established by the state superintendent for 6953
low-income families shall qualify for seventy-five per cent of the 6954
grant amount and students whose family income is below two hundred 6955
per cent of that maximum income level shall qualify for ninety per 6956
cent of the grant amount. 6957

(C)(1) In the case of basic scholarships for students in 6958
grades kindergarten through eight, the scholarship amount shall 6959
not exceed the lesser of the tuition charges of the alternative 6960
school the scholarship recipient attends or three thousand dollars 6961
before fiscal year 2007 and three thousand four hundred fifty 6962
dollars in fiscal year 2007 and thereafter. 6963

In the case of basic scholarships for students in grades nine 6964
through twelve, the scholarship amount shall not exceed the lesser 6965
of the tuition charges of the alternative school the scholarship 6966
recipient attends or two thousand seven hundred dollars before 6967
fiscal year 2007 and three thousand four hundred fifty dollars in 6968
fiscal year 2007 and thereafter. 6969

(2) The state superintendent shall provide for an increase in 6970
the basic scholarship amount in the case of any student who is a 6971
mainstreamed student with a disability and shall further increase 6972
such amount in the case of any separately educated student with a 6973
disability. Such increases shall take into account the 6974
instruction, related services, and transportation costs of 6975
educating such students. 6976

(3) In the case of tutorial assistance grants, the grant 6977
amount shall not exceed the lesser of the provider's actual 6978
charges for such assistance or: 6979

(a) Before fiscal year 2007, a percentage established by the 6980
state superintendent, not to exceed twenty per cent, of the amount 6981
of the pilot project school district's average basic scholarship 6982
amount; 6983

(b) In fiscal year 2007 and thereafter, four hundred dollars. 6984

(4) No scholarship or tutorial assistance grant shall be 6985
awarded unless the state superintendent determines that 6986
twenty-five or ten per cent, as applicable, of the amount 6987
specified for such scholarship or grant pursuant to division 6988

(C)(1), (2), or (3) of this section will be furnished by a 6989
political subdivision, a private nonprofit or for profit entity, 6990
or another person. Only seventy-five or ninety per cent of such 6991
amounts, as applicable, shall be paid from state funds pursuant to 6992
section 3313.979 of the Revised Code. 6993

(D)(1) Annually by the first day of November, the state 6994
superintendent shall estimate the maximum per-pupil scholarship 6995
amounts for the ensuing school year. The state superintendent 6996
shall make this estimate available to the general public at the 6997
offices of the district board of education together with the forms 6998
required by division (D)(2) of this section. 6999

(2) Annually by the fifteenth day of January, the chief 7000
administrator of each registered private school located in the 7001
pilot project district and the principal of each public school in 7002
such district shall complete a parental information form and 7003
forward it to the president of the board of education. The 7004
parental information form shall be prescribed by the department of 7005
education and shall provide information about the grade levels 7006
offered, the numbers of students, tuition amounts, achievement 7007
test results, and any sectarian or other organizational 7008
affiliations. 7009

(E)(1) Only for the purpose of administering the pilot 7010
project scholarship program, the department may request from any 7011
of the following entities the data verification code assigned 7012
under division (D)(2) of section 3301.0714 of the Revised Code to 7013
any student who is seeking a scholarship under the program: 7014

(a) The school district in which the student is entitled to 7015
attend school under section 3313.64 or 3313.65 of the Revised 7016
Code; 7017

(b) If applicable, the community school in which the student 7018
is enrolled; 7019

(c) The independent contractor engaged to create and maintain data verification codes. 7020
7021

(2) Upon a request by the department under division (E)(1) of this section for the data verification code of a student seeking a scholarship or a request by the student's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If the student has not been assigned a code, because the student will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that student and submit the code to the department or parent by a date specified by the department. If the district does not assign a code to the student by the specified date, the department shall assign a code to the student. 7022
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The department annually shall submit to each school district the name and data verification code of each student residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division. 7034
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(3) The department shall not release any data verification code that it receives under division (E) of this section to any person except as provided by law. 7039
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(F) Any document relative to the pilot project scholarship program that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code. 7042
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Sec. 3314.016. (A) After June 30, 2007, a new start-up school may be established under this chapter only if the school's governing authority enters into a contract with an operator that manages other schools in the United States that perform at a level 7047
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higher than academic watch. The governing authority of the 7051
community school may sign a contract with an operator only if the 7052
operator has fewer contracts with the governing authorities of new 7053
start-up schools established under this chapter after June 30, 7054
2007, than the number of schools managed by the operator in the 7055
United States that perform at a level higher than academic watch, 7056
as determined by the department of education. 7057

(B) Notwithstanding division (A) of this section, the 7058
governing authority of a start-up school sponsored by an entity 7059
described in divisions (C)(1)(b) to (f) of section 3314.02 of the 7060
Revised Code may establish one additional school serving the same 7061
grade levels and providing the same educational program as the 7062
current start-up school and may open that additional school in the 7063
2007-2008 school year, if both of the following conditions are 7064
met: 7065

(1) The governing authority entered into another contract 7066
with the same sponsor or a different sponsor described in 7067
divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code 7068
and filed a copy of that contract with the superintendent of 7069
public instruction prior to March 15, 2006. 7070

(2) The governing authority's current school satisfies all of 7071
the following conditions: 7072

(a) The school currently is rated as excellent or effective 7073
pursuant to section 3302.03 of the Revised Code. 7074

(b) The school made adequate yearly progress, as defined in 7075
section 3302.01 of the Revised Code, for the previous school year. 7076

(c) The school has been in operation for at least four school 7077
years. 7078

(d) The school is not managed by an operator. 7079

(C) Notwithstanding division (A) of this section, the 7080

governing authority of a start-up school sponsored by the big 7081
eight school district in which the school is located may establish 7082
one additional start-up school that is located in the same school 7083
district and that provides a general educational program to 7084
students in any or all of grades kindergarten through five to 7085
facilitate their transition to the current start-up school, and 7086
may open the additional start-up school in the 2009-2010 school 7087
year, if both of the following conditions are met: 7088

(1) The governing authority enters into another contract with 7089
the same sponsor and files a copy of the contract with the 7090
superintendent of public instruction prior to March 15, 2009. 7091

(2) The governing authority's current school satisfies all of 7092
the following conditions: 7093

(a) The school provided instruction to students for eleven 7094
months in the previous school year. 7095

(b) The school has been in operation for at least two school 7096
years. 7097

(c) The school qualified to be rated in need of continuous 7098
improvement or higher pursuant to section 3302.03 of the Revised 7099
Code for its first school year of operation, even though the 7100
department of education did not issue a report card for the school 7101
for that school year. 7102

Sec. 3314.02. (A) As used in this chapter: 7103

(1) "Sponsor" means an entity listed in division (C)(1) of 7104
this section, which has been approved by the department of 7105
education to sponsor community schools and with which the 7106
governing authority of the proposed community school enters into a 7107
contract pursuant to this section. 7108

(2) "Pilot project area" means the school districts included 7109
in the territory of the former community school pilot project 7110

established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly. 7111
7112

(3) "Challenged school district" means any of the following: 7113

(a) A school district that is part of the pilot project area; 7114

(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; 7115
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(c) A big eight school district. 7118

(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following: 7119
7120

(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code; 7121
7122
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(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code. 7125
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(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code. 7128
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(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998. 7133
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(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided 7137
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via an internet- or other computer-based instructional method that 7141
does not rely on regular classroom instruction or via 7142
comprehensive instructional methods that include internet-based, 7143
other computer-based, and noncomputer-based learning 7144
opportunities. 7145

(B) Any person or group of individuals may initially propose 7146
under this division the conversion of all or a portion of a public 7147
school or a building operated by an educational service center to 7148
a community school. The proposal shall be made to the board of 7149
education of the city, local, or exempted village school district 7150
in which the public school is proposed to be converted or, in the 7151
case of the conversion of a building operated by an educational 7152
service center, to the governing board of the service center. Upon 7153
receipt of a proposal, a board may enter into a preliminary 7154
agreement with the person or group proposing the conversion of the 7155
public school or service center building, indicating the intention 7156
of the board ~~of education~~ to support the conversion to a community 7157
school. A proposing person or group that has a preliminary 7158
agreement under this division may proceed to finalize plans for 7159
the school, establish a governing authority for the school, and 7160
negotiate a contract with the board ~~of education~~. Provided the 7161
proposing person or group adheres to the preliminary agreement and 7162
all provisions of this chapter, the board ~~of education~~ shall 7163
negotiate in good faith to enter into a contract in accordance 7164
with section 3314.03 of the Revised Code and division (C) of this 7165
section. 7166

(C)(1) Any person or group of individuals may propose under 7167
this division the establishment of a new start-up school to be 7168
located in a challenged school district. The proposal may be made 7169
to any of the following entities: 7170

(a) The board of education of the district in which the 7171
school is proposed to be located; 7172

(b) The board of education of any joint vocational school 7173
district with territory in the county in which is located the 7174
majority of the territory of the district in which the school is 7175
proposed to be located; 7176

(c) The board of education of any other city, local, or 7177
exempted village school district having territory in the same 7178
county where the district in which the school is proposed to be 7179
located has the major portion of its territory; 7180

(d) The governing board of any educational service center, as 7181
long as the proposed school will be located in a county within the 7182
territory of the service center or in a county contiguous to such 7183
county; 7184

(e) A sponsoring authority designated by the board of 7185
trustees of any of the thirteen state universities listed in 7186
section 3345.011 of the Revised Code or the board of trustees 7187
itself as long as a mission of the proposed school to be specified 7188
in the contract under division (A)(2) of section 3314.03 of the 7189
Revised Code and as approved by the department of education under 7190
division (B)(2) of section 3314.015 of the Revised Code will be 7191
the practical demonstration of teaching methods, educational 7192
technology, or other teaching practices that are included in the 7193
curriculum of the university's teacher preparation program 7194
approved by the state board of education; 7195

(f) Any qualified tax-exempt entity under section 501(c)(3) 7196
of the Internal Revenue Code as long as all of the following 7197
conditions are satisfied: 7198

(i) The entity has been in operation for at least five years 7199
prior to applying to be a community school sponsor. 7200

(ii) The entity has assets of at least five hundred thousand 7201
dollars and a demonstrated record of financial responsibility. 7202

(iii) The department of education has determined that the 7203

entity is an education-oriented entity under division (B)(3) of 7204
section 3314.015 of the Revised Code and the entity has a 7205
demonstrated record of successful implementation of educational 7206
programs. 7207

(iv) The entity is not a community school. 7208

Any entity described in division (C)(1) of this section may 7209
enter into a preliminary agreement pursuant to division (C)(2) of 7210
this section with the proposing person or group. 7211

(2) A preliminary agreement indicates the intention of an 7212
entity described in division (C)(1) of this section to sponsor the 7213
community school. A proposing person or group that has such a 7214
preliminary agreement may proceed to finalize plans for the 7215
school, establish a governing authority as described in division 7216
(E) of this section for the school, and negotiate a contract with 7217
the entity. Provided the proposing person or group adheres to the 7218
preliminary agreement and all provisions of this chapter, the 7219
entity shall negotiate in good faith to enter into a contract in 7220
accordance with section 3314.03 of the Revised Code. 7221

(3) A new start-up school that is established in a school 7222
district while that district is either in a state of academic 7223
emergency or in a state of academic watch under section 3302.03 of 7224
the Revised Code may continue in existence once the school 7225
district is no longer in a state of academic emergency or academic 7226
watch, provided there is a valid contract between the school and a 7227
sponsor. 7228

(4) A copy of every preliminary agreement entered into under 7229
this division shall be filed with the superintendent of public 7230
instruction. 7231

(D) A majority vote of the board of a sponsoring entity and a 7232
majority vote of the members of the governing authority of a 7233
community school shall be required to adopt a contract and convert 7234

the public school or educational service center building to a 7235
community school or establish the new start-up school. Beginning 7236
September 29, 2005, adoption of the contract shall occur not later 7237
than the fifteenth day of March, and signing of the contract shall 7238
occur not later than the fifteenth day of May, prior to the school 7239
year in which the school will open. The governing authority shall 7240
notify the department of education when the contract has been 7241
signed. Subject to sections 3314.013, 3314.014, 3314.016, and 7242
3314.017 of the Revised Code, an unlimited number of community 7243
schools may be established in any school district provided that a 7244
contract is entered into for each community school pursuant to 7245
this chapter. 7246

(E)(1) As used in this division, "immediate relatives" are 7247
limited to spouses, children, parents, grandparents, siblings, and 7248
in-laws. 7249

Each new start-up community school established under this 7250
chapter shall be under the direction of a governing authority 7251
which shall consist of a board of not less than five individuals. 7252

No person shall serve on the governing authority or operate 7253
the community school under contract with the governing authority 7254
so long as the person owes the state any money or is in a dispute 7255
over whether the person owes the state any money concerning the 7256
operation of a community school that has closed. 7257

(2) No person shall serve on the governing authorities of 7258
more than two start-up community schools at the same time. 7259

(3) No present or former member, or immediate relative of a 7260
present or former member, of the governing authority of any 7261
community school established under this chapter shall be an owner, 7262
employee, or consultant of any nonprofit or for-profit operator of 7263
a community school, unless at least one year has elapsed since the 7264
conclusion of the person's membership. 7265

~~(F) Nothing in this chapter shall be construed to permit the establishment of a community school in more than one school district under the same contract.~~

~~(G)~~(1) A new start-up school that is established prior to August 15, 2003, in an urban school district that is not also a big-eight school district may continue to operate after that date and the contract between the school's governing authority and the school's sponsor may be renewed, as provided under this chapter, after that date, but no additional new start-up schools may be established in such a district unless the district is a challenged school district as defined in this section as it exists on and after that date.

(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that is not a challenged school district may continue to operate after that date, provided the school complies with all provisions of this chapter. The contract between the school's governing authority and the school's sponsor may be renewed, but no additional start-up community school may be established in that district unless the district is a challenged school district.

(3) Any educational service center that, on ~~the effective date of this amendment~~ June 30, 2007, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after ~~the effective date of this amendment~~ June 30, 2007, and may renew its contract with the school. However, the educational service center shall not enter into a contract with any additional community school unless the school is located in a county within the territory of the service center or in a county contiguous to such county.

Sec. 3314.03. A copy of every contract entered into under	7298
this section shall be filed with the superintendent of public	7299
instruction.	7300
(A) Each contract entered into between a sponsor and the	7301
governing authority of a community school shall specify the	7302
following:	7303
(1) That the school shall be established as either of the	7304
following:	7305
(a) A nonprofit corporation established under Chapter 1702.	7306
of the Revised Code, if established prior to April 8, 2003;	7307
(b) A public benefit corporation established under Chapter	7308
1702. of the Revised Code, if established after April 8, 2003;	7309
(2) The education program of the school, including the	7310
school's mission, the characteristics of the students the school	7311
is expected to attract, the ages and grades of students, and the	7312
focus of the curriculum;	7313
(3) The academic goals to be achieved and the method of	7314
measurement that will be used to determine progress toward those	7315
goals, which shall include the statewide achievement tests;	7316
(4) Performance standards by which the success of the school	7317
will be evaluated by the sponsor;	7318
(5) The admission standards of section 3314.06 of the Revised	7319
Code and, if applicable, section 3314.061 of the Revised Code;	7320
(6)(a) Dismissal procedures;	7321
(b) A requirement that the governing authority adopt an	7322
attendance policy that includes a procedure for automatically	7323
withdrawing a student from the school if the student without a	7324
legitimate excuse fails to participate in one hundred five	7325
consecutive hours of the learning opportunities offered to the	7326

student. 7327

(7) The ways by which the school will achieve racial and 7328
ethnic balance reflective of the community it serves; 7329

(8) Requirements for financial audits by the auditor of 7330
state. The contract shall require financial records of the school 7331
to be maintained in the same manner as are financial records of 7332
school districts, pursuant to rules of the auditor of state, and 7333
the audits shall be conducted in accordance with section 117.10 of 7334
the Revised Code. 7335

(9) The facilities to be used and their locations; 7336

(10) Qualifications of teachers, including a requirement that 7337
the school's classroom teachers be licensed in accordance with 7338
sections 3319.22 to 3319.31 of the Revised Code, except that a 7339
community school may engage noncertificated persons to teach up to 7340
twelve hours per week pursuant to section 3319.301 of the Revised 7341
Code; 7342

(11) That the school will comply with the following 7343
requirements: 7344

(a) The school will provide learning opportunities to a 7345
minimum of twenty-five students for a minimum of nine hundred 7346
twenty hours per school year; 7347

(b) The governing authority will purchase liability 7348
insurance, or otherwise provide for the potential liability of the 7349
school; 7350

(c) The school will be nonsectarian in its programs, 7351
admission policies, employment practices, and all other 7352
operations, and will not be operated by a sectarian school or 7353
religious institution; 7354

(d) The school will comply with sections 9.90, 9.91, 109.65, 7355
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 7356

3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 7357
3313.6012, 3313.6013, 3313.6014, 3313.643, 3313.648, 3313.66, 7358
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 7359
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.80, 7360
3313.96, 3319.073, 3319.313, 3319.314, 3319.315, 3319.321, 7361
3319.39, 3319.391, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 7362
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 7363
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 7364
and 4167. of the Revised Code as if it were a school district and 7365
will comply with section 3301.0714 of the Revised Code in the 7366
manner specified in section 3314.17 of the Revised Code; 7367

(e) The school shall comply with Chapter 102. and section 7368
2921.42 of the Revised Code; 7369

(f) The school will comply with sections 3313.61, 3313.611, 7370
and 3313.614 of the Revised Code, except that for students who 7371
enter ninth grade for the first time before July 1, 2010, the 7372
requirement in sections 3313.61 and 3313.611 of the Revised Code 7373
that a person must successfully complete the curriculum in any 7374
high school prior to receiving a high school diploma may be met by 7375
completing the curriculum adopted by the governing authority of 7376
the community school rather than the curriculum specified in Title 7377
XXXIII of the Revised Code or any rules of the state board of 7378
education. Beginning with students who enter ninth grade for the 7379
first time on or after July 1, 2010, the requirement in sections 7380
3313.61 and 3313.611 of the Revised Code that a person must 7381
successfully complete the curriculum of a high school prior to 7382
receiving a high school diploma shall be met by completing the 7383
Ohio core curriculum prescribed in division (C) of section 7384
3313.603 of the Revised Code, unless the person qualifies under 7385
division (D) or (F) of that section. Each school shall comply with 7386
the plan for awarding high school credit based on demonstration of 7387
subject area competency, adopted by the state board of education 7388

under division (J) of section 3313.603 of the Revised Code. 7389

(g) The school governing authority will submit within four 7390
months after the end of each school year a report of its 7391
activities and progress in meeting the goals and standards of 7392
divisions (A)(3) and (4) of this section and its financial status 7393
to the sponsor and the parents of all students enrolled in the 7394
school. 7395

(h) The school, unless it is an internet- or computer-based 7396
community school, will comply with section 3313.801 of the Revised 7397
Code as if it were a school district. 7398

(12) Arrangements for providing health and other benefits to 7399
employees; 7400

(13) The length of the contract, which shall begin at the 7401
beginning of an academic year. No contract shall exceed five years 7402
unless such contract has been renewed pursuant to division (E) of 7403
this section. 7404

(14) The governing authority of the school, which shall be 7405
responsible for carrying out the provisions of the contract; 7406

(15) A financial plan detailing an estimated school budget 7407
for each year of the period of the contract and specifying the 7408
total estimated per pupil expenditure amount for each such year. 7409
The plan shall specify for each year the base formula amount that 7410
will be used for purposes of funding calculations under section 7411
3314.08 of the Revised Code. This base formula amount for any year 7412
shall not exceed the formula amount defined under section 3317.02 7413
of the Revised Code. The plan may also specify for any year a 7414
percentage figure to be used for reducing the per pupil amount of 7415
the subsidy calculated pursuant to section 3317.029 of the Revised 7416
Code the school is to receive that year under section 3314.08 of 7417
the Revised Code. 7418

(16) Requirements and procedures regarding the disposition of 7419

employees of the school in the event the contract is terminated or 7420
not renewed pursuant to section 3314.07 of the Revised Code; 7421

(17) Whether the school is to be created by converting all or 7422
part of an existing public school or educational service center 7423
building or is to be a new start-up school, and if it is a 7424
converted public school or service center building, specification 7425
of any duties or responsibilities of an employer that the board of 7426
education or service center governing board that operated the 7427
school or building before conversion is delegating to the 7428
governing ~~board~~ authority of the community school with respect to 7429
all or any specified group of employees provided the delegation is 7430
not prohibited by a collective bargaining agreement applicable to 7431
such employees; 7432

(18) Provisions establishing procedures for resolving 7433
disputes or differences of opinion between the sponsor and the 7434
governing authority of the community school; 7435

(19) A provision requiring the governing authority to adopt a 7436
policy regarding the admission of students who reside outside the 7437
district in which the school is located. That policy shall comply 7438
with the admissions procedures specified in sections 3314.06 and 7439
3314.061 of the Revised Code and, at the sole discretion of the 7440
authority, shall do one of the following: 7441

(a) Prohibit the enrollment of students who reside outside 7442
the district in which the school is located; 7443

(b) Permit the enrollment of students who reside in districts 7444
adjacent to the district in which the school is located; 7445

(c) Permit the enrollment of students who reside in any other 7446
district in the state. 7447

(20) A provision recognizing the authority of the department 7448
of education to take over the sponsorship of the school in 7449
accordance with the provisions of division (C) of section 3314.015 7450

of the Revised Code; 7451

(21) A provision recognizing the sponsor's authority to 7452
assume the operation of a school under the conditions specified in 7453
division (B) of section 3314.073 of the Revised Code; 7454

(22) A provision recognizing both of the following: 7455

(a) The authority of public health and safety officials to 7456
inspect the facilities of the school and to order the facilities 7457
closed if those officials find that the facilities are not in 7458
compliance with health and safety laws and regulations; 7459

(b) The authority of the department of education as the 7460
community school oversight body to suspend the operation of the 7461
school under section 3314.072 of the Revised Code if the 7462
department has evidence of conditions or violations of law at the 7463
school that pose an imminent danger to the health and safety of 7464
the school's students and employees and the sponsor refuses to 7465
take such action; 7466

(23) A description of the learning opportunities that will be 7467
offered to students including both classroom-based and 7468
non-classroom-based learning opportunities that is in compliance 7469
with criteria for student participation established by the 7470
department under division (L)(2) of section 3314.08 of the Revised 7471
Code; 7472

(24) The school will comply with section 3302.04 of the 7473
Revised Code, including division (E) of that section to the extent 7474
possible, except that any action required to be taken by a school 7475
district pursuant to that section shall be taken by the sponsor of 7476
the school. However, the sponsor shall not be required to take any 7477
action described in division (F) of that section. 7478

(25) Beginning in the 2006-2007 school year, the school will 7479
open for operation not later than the thirtieth day of September 7480
each school year, unless the mission of the school as specified 7481

under division (A)(2) of this section is solely to serve dropouts. 7482
In its initial year of operation, if the school fails to open by 7483
the thirtieth day of September, or within one year after the 7484
adoption of the contract pursuant to division (D) of section 7485
3314.02 of the Revised Code if the mission of the school is solely 7486
to serve dropouts, the contract shall be void. 7487

(B) The community school shall also submit to the sponsor a 7488
comprehensive plan for the school. The plan shall specify the 7489
following: 7490

(1) The process by which the governing authority of the 7491
school will be selected in the future; 7492

(2) The management and administration of the school; 7493

(3) If the community school is a currently existing public 7494
school or educational service center building, alternative 7495
arrangements for current public school students who choose not to 7496
attend the converted school and for teachers who choose not to 7497
teach in the school or building after conversion; 7498

(4) The instructional program and educational philosophy of 7499
the school; 7500

(5) Internal financial controls. 7501

(C) A contract entered into under section 3314.02 of the 7502
Revised Code between a sponsor and the governing authority of a 7503
community school may provide for the community school governing 7504
authority to make payments to the sponsor, which is hereby 7505
authorized to receive such payments as set forth in the contract 7506
between the governing authority and the sponsor. The total amount 7507
of such payments for oversight and monitoring of the school shall 7508
not exceed three per cent of the total amount of payments for 7509
operating expenses that the school receives from the state. 7510

(D) The contract shall specify the duties of the sponsor 7511

which shall be in accordance with the written agreement entered 7512
into with the department of education under division (B) of 7513
section 3314.015 of the Revised Code and shall include the 7514
following: 7515

(1) Monitor the community school's compliance with all laws 7516
applicable to the school and with the terms of the contract; 7517

(2) Monitor and evaluate the academic and fiscal performance 7518
and the organization and operation of the community school on at 7519
least an annual basis; 7520

(3) Report on an annual basis the results of the evaluation 7521
conducted under division (D)(2) of this section to the department 7522
of education and to the parents of students enrolled in the 7523
community school; 7524

(4) Provide technical assistance to the community school in 7525
complying with laws applicable to the school and terms of the 7526
contract; 7527

(5) Take steps to intervene in the school's operation to 7528
correct problems in the school's overall performance, declare the 7529
school to be on probationary status pursuant to section 3314.073 7530
of the Revised Code, suspend the operation of the school pursuant 7531
to section 3314.072 of the Revised Code, or terminate the contract 7532
of the school pursuant to section 3314.07 of the Revised Code as 7533
determined necessary by the sponsor; 7534

(6) Have in place a plan of action to be undertaken in the 7535
event the community school experiences financial difficulties or 7536
closes prior to the end of a school year. 7537

(E) Upon the expiration of a contract entered into under this 7538
section, the sponsor of a community school may, with the approval 7539
of the governing authority of the school, renew that contract for 7540
a period of time determined by the sponsor, but not ending earlier 7541
than the end of any school year, if the sponsor finds that the 7542

school's compliance with applicable laws and terms of the contract 7543
and the school's progress in meeting the academic goals prescribed 7544
in the contract have been satisfactory. Any contract that is 7545
renewed under this division remains subject to the provisions of 7546
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 7547

(F) If a community school fails to open for operation within 7548
one year after the contract entered into under this section is 7549
adopted pursuant to division (D) of section 3314.02 of the Revised 7550
Code or permanently closes prior to the expiration of the 7551
contract, the contract shall be void and the school shall not 7552
enter into a contract with any other sponsor. A school shall not 7553
be considered permanently closed because the operations of the 7554
school have been suspended pursuant to section 3314.072 of the 7555
Revised Code. Any contract that becomes void under this division 7556
shall not count toward any statewide limit on the number of such 7557
contracts prescribed by section 3314.013 of the Revised Code. 7558

~~Sec. 3314.05. Division (A) of this section shall not apply to 7559
internet or computer based community schools. 7560~~

(A) The contract between the community school and the sponsor 7561
shall specify the facilities to be used for the community school 7562
and the method of acquisition. Except as provided in division 7563
(B)(3) of this section, no community school shall be established 7564
in more than one school district under the same contract. 7565

~~(A) A (B) Division (B) of this section shall not apply to 7566
internet- or computer-based community schools. 7567~~

(1) A community school may be located in multiple facilities 7568
under the same contract only if the limitations on availability of 7569
space prohibit serving all the grade levels specified in the 7570
contract in a single facility or division (B)(2) or (3) of this 7571
section applies to the school. The school shall not offer the same 7572
grade level classrooms in more than one facility. 7573

(2) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B)(1) of this section, may assign students in the same grade level to multiple facilities, as long as all of the following apply: 7574
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7576
7577

(a) The governing authority of the community school filed a copy of its contract with the school's sponsor under section 3314.03 of the Revised Code with the superintendent of public instruction on or before May 15, 2008. 7578
7579
7580
7581

(b) The school was not open for operation prior to July 1, 2008. 7582
7583

(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. 7584
7585
7586

(d) The contract with that operator qualified the school to be established pursuant to division (A) of section 3314.016 of the Revised Code. 7587
7588
7589

(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. 7590
7591
7592

(3) A new start-up community school may be established in two school districts under the same contract if all of the following apply: 7593
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7595

(a) At least one of the school districts in which the school is established is a challenged school district; 7596
7597

(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 7598
7599
7600
7601

(c) Transportation between the two facilities does not require more than thirty minutes of direct travel time as measured 7602
7603

by school bus. 7604

In the case of a community school to which division (B)(3) of 7605
this section applies, if only one of the school districts in which 7606
the school is established is a challenged school district, that 7607
district shall be considered the school's primary location and the 7608
district in which the school is located for the purposes of 7609
division (A)(19) of section 3314.03 and divisions (C) and (H) of 7610
section 3314.06 of the Revised Code and for all other purposes of 7611
this chapter. If both of the school districts in which the school 7612
is established are challenged school districts, the school's 7613
governing authority shall designate one of those districts to be 7614
considered the school's primary location and the district in which 7615
the school is located for the purposes of those divisions and all 7616
other purposes of this chapter and shall notify the department of 7617
education of that designation. 7618

(4) Any facility used for a community school shall meet all 7619
health and safety standards established by law for school 7620
buildings. 7621

~~(B)~~(C) In the case where a community school is proposed to be 7622
located in a facility owned by a school district or educational 7623
service center, the facility may not be used for such community 7624
school unless the district or service center board owning the 7625
facility enters into an agreement for the community school to 7626
utilize the facility. Use of the facility may be under any terms 7627
and conditions agreed to by the district or service center board 7628
and the school. 7629

Sec. 3314.37. (A) A five-year demonstration project is hereby 7630
established at the community schools known as the ISUS institutes. 7631
The project is a research and development initiative to collect 7632
and analyze data with which to improve dropout prevention and 7633
recovery programs, to evaluate various methodologies employed in 7634

those programs, to develop tools and criteria for evaluating 7635
community schools that operate dropout prevention and recovery 7636
programs, to institute stringent accountability measures for such 7637
community schools, and to direct curricular and programming 7638
decisions for such community schools. The program shall begin with 7639
the 2008-2009 school year and shall operate through the 2012-2013 7640
school year. 7641

(B) Under the demonstration project, the ISUS institutes 7642
shall select and pay the costs of an independent evaluator to 7643
create a study plan and collect and analyze data from the 7644
institutes. The ISUS institutes' selection of the independent 7645
evaluator is subject to the approval of the department of 7646
education. The data collected by the evaluator shall include, but 7647
need not be limited to, the following: 7648

(1) Baseline measures of student status at enrollment, 7649
including academic level; history of court involvement, drug use, 7650
and other behavioral problems; and the circumstances of the 7651
students' parenting and living arrangements; 7652

(2) Student academic progress, measured at multiple and 7653
regular intervals each school year; 7654

(3) Value-added elements of the institutes' dropout 7655
prevention and recovery programs, including industry 7656
certifications, college coursework, community service and service 7657
learning, apprenticeships, and internships; 7658

(4) Outcomes in addition to high school graduation, including 7659
students' contributions to community service and students' 7660
transitions to employment, post-secondary training, college, or 7661
the military. 7662

(C) Not later than the thirtieth day of September following 7663
each school year in which the demonstration project is operating, 7664

the independent evaluator shall do both of the following: 7665

(1) Submit to the ISUS institutes and the department all data collected and a report of its data analysis; 7666
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(2) Submit a report of its data analysis to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, and the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation. 7668
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(D) For each school year in which the demonstration project is operating: 7674
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(1) The ISUS institutes shall continue to report data through the education management information system under section 3314.17 of the Revised Code. 7676
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(2) The department shall continue to issue annual report cards for the ISUS institutes under section 3314.012 of the Revised Code and shall continue to assign them performance ratings under division (B) of section 3302.03 of the Revised Code. 7679
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(E) Nothing in this section prevents the application to the ISUS institutes, during the demonstration project, of any provision of the Revised Code or rule or policy of the department or the state board of education requiring closure, or otherwise restricting the operation, of a community school based on measures of academic performance for any school year before or during the demonstration project. Nothing in this section prevents a sponsor of an ISUS institute from terminating or not renewing its contract with the school, from suspending the operations of the school, or from placing the school on probationary status, in accordance with this chapter, during the demonstration project. Nothing in this section prevents the auditor of state from taking action against an ISUS institute under Chapter 117. of the Revised Code or other 7683
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applicable law during the demonstration project. 7696

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(F) The department may conduct its own analysis of data 7698

submitted under the demonstration project. 7699

(G) Not later than December 31, 2013, the independent 7700

evaluator shall issue a final report of its findings and analysis 7701

and its recommendations for appropriate academic accountability 7702

measures for community schools that operate dropout prevention and 7703

recovery programs. The independent evaluator shall submit the 7704

report to the department, the speaker and minority leader of the 7705

house of representatives, the president and minority leader of the 7706

senate, and the chairpersons and ranking minority members of the 7707

standing committees of the house of representatives and the senate 7708

that consider education legislation. 7709

Sec. 3314.40. The governing authorities of two or more 7710

community schools may enter into a pooling agreement under which 7711

the schools may act jointly to do any of the following: 7712

(A) Purchase health insurance for the schools' employees; 7713

(B) Secure liability insurance for the schools; 7714

(C) Purchase other goods or services necessary for the 7715

operation of the schools; 7716

(D) Provide transportation to students enrolled in the 7717

schools. 7718

Sec. 3316.03. (A) The existence of a fiscal watch shall be 7719

declared by the auditor of state. The auditor of state may make a 7720

determination on the auditor of state's initiative, or upon 7721

receipt of a written request for such a determination, which may 7722

be filed by the governor, the superintendent of public 7723

instruction, or a majority of the members of the board of 7724

education of the school district. 7725

(1) The auditor of state shall declare a school district to 7726
be in a state of fiscal watch if the auditor of state determines 7727
that both of the following conditions are satisfied with respect 7728
to the school district: 7729

(a) An operating deficit has been certified for the current 7730
fiscal year by the auditor of state, and the certified operating 7731
deficit exceeds eight per cent of the school district's general 7732
fund revenue for the preceding fiscal year; 7733

(b) A majority of the voting electors have not voted in favor 7734
of levying a tax under section 5705.194, 5705.199, or 5705.21 or 7735
Chapter 5748. of the Revised Code that the auditor of state 7736
expects will raise enough additional revenue in the next 7737
succeeding fiscal year that division (A)(1)(a) of this section 7738
will not apply to the district in such next succeeding fiscal 7739
year. 7740

(2) The auditor of state shall declare a school district to 7741
be in a state of fiscal watch if the auditor of state determines 7742
that the school district has outstanding securities issued under 7743
division (A)(4) of section 3316.06 of the Revised Code, and its 7744
financial planning and supervision commission has been terminated 7745
under section 3316.16 of the Revised Code. 7746

(3) The auditor of state shall declare a school district to 7747
be in a state of fiscal watch if both of the following conditions 7748
are satisfied: 7749

(a) The superintendent of public instruction has reported to 7750
the auditor of state that the superintendent has declared the 7751
district under section 3316.031 of the Revised Code to be under a 7752
fiscal caution, has found that the district has not acted 7753
reasonably to eliminate or correct practices or conditions that 7754

prompted the declaration, and has determined the declaration of a 7755
state of fiscal watch necessary to prevent further fiscal decline; 7756

(b) The auditor of state determines that the decision of the 7757
superintendent is reasonable. 7758

If the auditor of state determines that the decision of the 7759
superintendent is not reasonable, the auditor of state shall 7760
provide the superintendent with a written explanation of that 7761
determination. 7762

(4) The auditor of state may declare a school district to be 7763
in a state of fiscal watch if all of the following conditions are 7764
satisfied: 7765

(a) An operating deficit has been certified for the current 7766
fiscal year by the auditor of state, and the certified operating 7767
deficit exceeds two per cent, but does not exceed eight per cent, 7768
of the school district's general fund revenue for the preceding 7769
fiscal year; 7770

(b) A majority of the voting electors have not voted in favor 7771
of levying a tax under section 5705.194, 5705.199, or 5705.21 or 7772
Chapter 5748. of the Revised Code that the auditor of state 7773
expects will raise enough additional revenue in the next 7774
succeeding fiscal year that division (A)(4)(a) of this section 7775
will not apply to the district in the next succeeding fiscal year; 7776

(c) The auditor of state determines that there is no 7777
reasonable cause for the deficit or that the declaration of fiscal 7778
watch is necessary to prevent further fiscal decline in the 7779
district. 7780

(B)(1) The auditor of state shall issue an order declaring a 7781
school district to be in a state of fiscal emergency if the 7782
auditor of state determines that both of the following conditions 7783
are satisfied with respect to the school district: 7784

(a) An operating deficit has been certified for the current 7785
fiscal year by the auditor of state, and the certified operating 7786
deficit exceeds fifteen per cent of the school district's general 7787
fund revenue for the preceding fiscal year. In determining the 7788
amount of an operating deficit under division (B)(1)(a) of this 7789
section, the auditor of state shall credit toward the amount of 7790
that deficit only the amount that may be borrowed from the 7791
spending reserve balance as determined under section 133.301 and 7792
division (F) of section 5705.29 of the Revised Code. 7793

(b) A majority of the voting electors have not voted in favor 7794
of levying a tax under section 5705.194, 5705.199, or 5705.21 or 7795
Chapter 5748. of the Revised Code that the auditor of state 7796
expects will raise enough additional revenue in the next 7797
succeeding fiscal year that division (B)(1)(a) of this section 7798
will not apply to the district in such next succeeding fiscal 7799
year. 7800

(2) The auditor of state shall issue an order declaring a 7801
school district to be in a state of fiscal emergency if the school 7802
district board fails, pursuant to section 3316.04 of the Revised 7803
Code, to submit a plan acceptable to the state superintendent of 7804
public instruction within one hundred twenty days of the auditor 7805
of state's declaration under division (A) of this section or an 7806
updated plan when one is required by division (C) of section 7807
3316.04 of the Revised Code; 7808

(3) The auditor of state shall issue an order declaring a 7809
school district to be in a state of fiscal emergency if both of 7810
the following conditions are satisfied: 7811

(a) The superintendent of public instruction has reported to 7812
the auditor of state that the district is not materially complying 7813
with the provisions of an original or updated plan as approved by 7814
the state superintendent under section 3316.04 of the Revised 7815
Code, and that the state superintendent has determined the 7816

declaration of a state of fiscal emergency necessary to prevent 7817
further fiscal decline; 7818

(b) The auditor of state finds that the determination of the 7819
superintendent is reasonable. 7820

If the auditor of state determines that the decision of the 7821
superintendent is not reasonable, the auditor of state shall 7822
provide the superintendent a written explanation of that 7823
determination. 7824

(4) The auditor of state shall issue an order declaring a 7825
school district to be in a state of fiscal emergency if a 7826
declaration of fiscal emergency is required by division (D) of 7827
section 3316.04 of the Revised Code. 7828

(5) The auditor of state may issue an order declaring a 7829
school district to be in a state of fiscal emergency if all of the 7830
following conditions are satisfied: 7831

(a) An operating deficit has been certified for the current 7832
fiscal year by the auditor of state, and the certified operating 7833
deficit exceeds ten per cent, but does not exceed fifteen per 7834
cent, of the school district's general fund revenue for the 7835
preceding fiscal year; 7836

(b) A majority of the voting electors have not voted in favor 7837
of levying a tax under section 5705.194, 5705.199, or 5705.21 or 7838
Chapter 5748. of the Revised Code that the auditor of state 7839
expects will raise enough additional revenue in the next 7840
succeeding fiscal year that division (B)(5)(a) of this section 7841
will not apply to the district in the next succeeding fiscal year; 7842

(c) The auditor of state determines that a declaration of 7843
fiscal emergency is necessary to correct the district's fiscal 7844
problems and to prevent further fiscal decline. 7845

(C) In making the determinations under this section, the 7846

auditor of state may use financial reports required under section 7847
117.43 of the Revised Code; tax budgets, certificates of estimated 7848
resources and amendments thereof, annual appropriating measures 7849
and spending plans, and any other documents or information 7850
prepared pursuant to Chapter 5705. of the Revised Code; and any 7851
other documents, records, or information available to the auditor 7852
of state that indicate the conditions described in divisions (A) 7853
and (B) of this section. 7854

(D) The auditor of state shall certify the action taken under 7855
division (A) or (B) of this section to the board of education of 7856
the school district, the director of budget and management, the 7857
mayor or county auditor who could be required to act pursuant to 7858
division (B)(1) of section 3316.05 of the Revised Code, and to the 7859
superintendent of public instruction. 7860

(E) A determination by the auditor of state under this 7861
section that a fiscal emergency condition does not exist is final 7862
and conclusive and not appealable. A determination by the auditor 7863
of state under this section that a fiscal emergency exists is 7864
final, except that the board of education of the school district 7865
affected by such a determination may appeal the determination of 7866
the existence of a fiscal emergency condition to the court of 7867
appeals having territorial jurisdiction over the school district. 7868
The appeal shall be heard expeditiously by the court of appeals 7869
and for good cause shown shall take precedence over all other 7870
civil matters except earlier matters of the same character. Notice 7871
of such appeal must be filed with the auditor of state and such 7872
court within thirty days after certification by the auditor of 7873
state to the board of education of the school district provided 7874
for in division (D) of this section. In such appeal, 7875
determinations of the auditor of state shall be presumed to be 7876
valid and the board of education shall have the burden of proving, 7877
by clear and convincing evidence, that each of the determinations 7878

made by the auditor of state as to the existence of a fiscal 7879
emergency condition under this section was in error. If the board 7880
of education fails, upon presentation of its case, to prove by 7881
clear and convincing evidence that each such determination by the 7882
auditor of state was in error, the court shall dismiss the appeal. 7883
The board of education and the auditor of state may introduce any 7884
evidence relevant to the existence or nonexistence of such fiscal 7885
emergency conditions. The pendency of any such appeal shall not 7886
affect or impede the operations of this chapter; no restraining 7887
order, temporary injunction, or other similar restraint upon 7888
actions consistent with this chapter shall be imposed by the court 7889
or any court pending determination of such appeal; and all things 7890
may be done under this chapter that may be done regardless of the 7891
pendency of any such appeal. Any action taken or contract executed 7892
pursuant to this chapter during the pendency of such appeal is 7893
valid and enforceable among all parties, notwithstanding the 7894
decision in such appeal. If the court of appeals reverses the 7895
determination of the existence of a fiscal emergency condition by 7896
the auditor of state, the determination no longer has any effect, 7897
and any procedures undertaken as a result of the determination 7898
shall be terminated. 7899

Sec. 3316.041. (A) Notwithstanding any provision of Chapter 7900
133. or sections 3313.483 to 3313.4811 of the Revised Code, and 7901
subject to the approval of the superintendent of public 7902
instruction, a school district that is in a state of fiscal watch 7903
declared under section 3316.03 of the Revised Code may restructure 7904
or refinance loans obtained or in the process of being obtained 7905
under section 3313.483 of the Revised Code if all of the following 7906
requirements are met: 7907

(1) The operating deficit certified for the school district 7908
for the current or preceding fiscal year under section 3313.483 of 7909
the Revised Code exceeds fifteen per cent of the district's 7910

general revenue fund for the fiscal year preceding the year for 7911
which the certification of the operating deficit is made. 7912

(2) The school district voters have, during the period of the 7913
fiscal watch, approved the levy of a tax under section 718.09, 7914
718.10, 5705.194, 5705.21, or 5748.02 of the Revised Code that is 7915
not a renewal or replacement levy, or a levy under section 7916
5705.199 of the Revised Code, and that will provide new operating 7917
revenue. 7918

(3) The board of education of the school district has adopted 7919
or amended the financial plan required by section 3316.04 of the 7920
Revised Code to reflect the restructured or refinanced loans, and 7921
sets forth the means by which the district will bring projected 7922
operating revenues and expenditures, and projected debt service 7923
obligations, into balance for the life of any such loan. 7924

(B) Subject to the approval of the superintendent of public 7925
instruction, the school district may issue securities to evidence 7926
the restructuring or refinancing authorized by this section. Such 7927
securities may extend the original period for repayment not to 7928
exceed ten years, and may alter the frequency and amount of 7929
repayments, interest or other financing charges, and other terms 7930
or agreements under which the loans were originally contracted, 7931
provided the loans received under sections 3313.483 of the Revised 7932
Code are repaid from funds the district would otherwise receive 7933
under sections 3317.022 to 3317.025 of the Revised Code, as 7934
required under division (E)(3) of section 3313.483 of the Revised 7935
Code. Securities issued for the purpose of restructuring or 7936
refinancing under this section shall be repaid in equal payments 7937
and at equal intervals over the term of the debt and are not 7938
eligible to be included in any subsequent proposal to restructure 7939
or refinance. 7940

(C) Unless the district is declared to be in a state of 7941
fiscal emergency under division (D) of section 3316.04 of the 7942

Revised Code, a school district shall remain in a state of fiscal 7943
watch for the duration of the repayment period of any loan 7944
restructured or refinanced under this section. 7945

Sec. 3316.06. (A) Within one hundred twenty days after the 7946
first meeting of a school district financial planning and 7947
supervision commission, the commission shall adopt a financial 7948
recovery plan regarding the school district for which the 7949
commission was created. During the formulation of the plan, the 7950
commission shall seek appropriate input from the school district 7951
board and from the community. This plan shall contain the 7952
following: 7953

(1) Actions to be taken to: 7954

(a) Eliminate all fiscal emergency conditions declared to 7955
exist pursuant to division (B) of section 3316.03 of the Revised 7956
Code; 7957

(b) Satisfy any judgments, past-due accounts payable, and all 7958
past-due and payable payroll and fringe benefits; 7959

(c) Eliminate the deficits in all deficit funds, except that 7960
any prior year deficits in the textbook and instructional 7961
materials fund established pursuant to section 3315.17 of the 7962
Revised Code and the capital and maintenance fund established 7963
pursuant to section 3315.18 of the Revised Code shall be forgiven; 7964

(d) Restore to special funds any moneys from such funds that 7965
were used for purposes not within the purposes of such funds, or 7966
borrowed from such funds by the purchase of debt obligations of 7967
the school district with the moneys of such funds, or missing from 7968
the special funds and not accounted for, if any; 7969

(e) Balance the budget, avoid future deficits in any funds, 7970
and maintain on a current basis payments of payroll, fringe 7971
benefits, and all accounts; 7972

(f) Avoid any fiscal emergency condition in the future; 7973

(g) Restore the ability of the school district to market 7974
long-term general obligation bonds under provisions of law 7975
applicable to school districts generally. 7976

(2) The management structure that will enable the school 7977
district to take the actions enumerated in division (A)(1) of this 7978
section. The plan shall specify the level of fiscal and management 7979
control that the commission will exercise within the school 7980
district during the period of fiscal emergency, and shall 7981
enumerate respectively, the powers and duties of the commission 7982
and the powers and duties of the school board during that period. 7983
The commission may elect to assume any of the powers and duties of 7984
the school board it considers necessary, including all powers 7985
related to personnel, curriculum, and legal issues in order to 7986
successfully implement the actions described in division (A)(1) of 7987
this section. 7988

(3) The target dates for the commencement, progress upon, and 7989
completion of the actions enumerated in division (A)(1) of this 7990
section and a reasonable period of time expected to be required to 7991
implement the plan. The commission shall prepare a reasonable time 7992
schedule for progress toward and achievement of the requirements 7993
for the plan, and the plan shall be consistent with that time 7994
schedule. 7995

(4) The amount and purpose of any issue of debt obligations 7996
that will be issued, together with assurances that any such debt 7997
obligations that will be issued will not exceed debt limits 7998
supported by appropriate certifications by the fiscal officer of 7999
the school district and the county auditor. Debt obligations 8000
issued pursuant to section 133.301 of the Revised Code shall 8001
include assurances that such debt shall be in an amount not to 8002
exceed the amount certified under division (B) of such section. If 8003
the commission considers it necessary in order to maintain or 8004

improve educational opportunities of pupils in the school 8005
district, the plan may include a proposal to restructure or 8006
refinance outstanding debt obligations incurred by the board under 8007
section 3313.483 of the Revised Code contingent upon the approval, 8008
during the period of the fiscal emergency, by district voters of a 8009
tax levied under section 718.09, 718.10, 5705.194, 5705.21, 8010
5748.02, or 5748.08 of the Revised Code, that is not a renewal or 8011
replacement levy, or a levy under section 5705.199 of the Revised 8012
Code, and that will provide new operating revenue. Notwithstanding 8013
any provision of Chapter 133. or sections 3313.483 to 3313.4811 of 8014
the Revised Code, following the required approval of the district 8015
voters and with the approval of the commission, the school 8016
district may issue securities to evidence the restructuring or 8017
refinancing. Those securities may extend the original period for 8018
repayment, not to exceed ten years, and may alter the frequency 8019
and amount of repayments, interest or other financing charges, and 8020
other terms of agreements under which the debt originally was 8021
contracted, at the discretion of the commission, provided that any 8022
loans received pursuant to section 3313.483 of the Revised Code 8023
shall be paid from funds the district would otherwise receive 8024
under sections 3317.022 to 3317.025 of the Revised Code, as 8025
required under division (E)(3) of section 3313.483 of the Revised 8026
Code. The securities issued for the purpose of restructuring or 8027
refinancing the debt shall be repaid in equal payments and at 8028
equal intervals over the term of the debt and are not eligible to 8029
be included in any subsequent proposal for the purpose of 8030
restructuring or refinancing debt under this section. 8031

(B) Any financial recovery plan may be amended subsequent to 8032
its adoption. Each financial recovery plan shall be updated 8033
annually. 8034

(C) Each school district financial planning and supervision 8035
commission shall submit the financial recovery plan it adopts or 8036

updates under this section to the state superintendent of public 8037
instruction for approval immediately following its adoption or 8038
updating. The state superintendent shall evaluate the plan and 8039
either approve or disapprove it within thirty calendar days from 8040
the date of its submission. If the plan is disapproved, the state 8041
superintendent shall recommend modifications that will render it 8042
acceptable. No financial planning and supervision commission shall 8043
implement a financial recovery plan that is adopted or updated on 8044
or after April 10, 2001, unless the state superintendent has 8045
approved it. 8046

Sec. 3316.08. During a school district's fiscal emergency 8047
period, the auditor of state shall determine annually, or at any 8048
other time upon request of the financial planning and supervision 8049
commission, whether the school district will incur an operating 8050
deficit. If the auditor of state determines that a school district 8051
will incur an operating deficit, the auditor of state shall 8052
certify that determination to the superintendent of public 8053
instruction, the financial planning and supervision commission, 8054
and the board of education of the school district. Upon receiving 8055
the auditor of state's certification, the commission shall adopt a 8056
resolution requesting that the board of education work with the 8057
county auditor or tax commissioner to estimate the amount and rate 8058
of a tax levy that is needed under section 5705.194, 5709.199, or 8059
5705.21 or Chapter 5748. of the Revised Code to produce a positive 8060
fund balance not later than the fifth year of the five-year 8061
forecast submitted under section 5705.391 of the Revised Code. 8062

The board of education shall recommend to the commission 8063
whether the board supports or opposes a tax levy under section 8064
5705.194, 5709.199, or 5705.21 or Chapter 5748. of the Revised 8065
Code and shall provide supporting documentation to the commission 8066
of its recommendation. 8067

After considering the board of education's recommendation and supporting documentation, the commission shall adopt a resolution to either submit a ballot question proposing a tax levy or not to submit such a question.

Except as otherwise provided in this division, the tax shall be levied in the manner prescribed for a tax levied under section 5705.194, 5709.199, or 5705.21 or under Chapter 5748. of the Revised Code. If the commission decides that a tax should be levied, the tax shall be levied for the purpose of paying current operating expenses of the school district. The rate of a tax 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)~~(O) 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 8099
specialists funded from money paid to the district from federal 8100
sources or assigned full-time to vocational or special education 8101
students and classes and may only include those persons employed 8102
in the eight specialist areas in a pattern approved by the 8103
department of education under guidelines established by the state 8104
board of education. 8105

(3) "Annual salary" means the annual base salary stated in 8106
the state minimum salary schedule for the performance of the 8107
teacher's regular teaching duties that the teacher earns for 8108
services rendered for the first full week of October of the fiscal 8109
year for which the adjustment is made under division (C) of this 8110
section. It shall not include any salary payments for supplemental 8111
teachers contracts. 8112

(4) "Regular student population" means the formula ADM plus 8113
the number of students reported as enrolled in the district 8114
pursuant to division (A)(1) of section 3313.981 of the Revised 8115
Code; minus the number of students reported under division (A)(2) 8116
of section 3317.03 of the Revised Code; minus the FTE of students 8117
reported under division (B)(6), (7), (8), (9), (10), (11), or (12) 8118
of that section who are enrolled in a vocational education class 8119
or receiving special education; and minus twenty per cent of the 8120
students enrolled concurrently in a joint vocational school 8121
district. 8122

(5) "State share percentage" has the same meaning as in 8123
section 3317.022 of the Revised Code. 8124

(6) "VEPD" means a school district or group of school 8125
districts designated by the department of education as being 8126
responsible for the planning for and provision of vocational 8127
education services to students within the district or group. 8128

(7) "Lead district" means a school district, including a 8129

joint vocational school district, designated by the department as 8130
a VEPD, or designated to provide primary vocational education 8131
leadership within a VEPD composed of a group of districts. 8132

(B) If the district employs less than one full-time 8133
equivalent classroom teacher for each twenty-five pupils in the 8134
regular student population in any school district, deduct the sum 8135
of the amounts obtained from the following computations: 8136

(1) Divide the number of the district's full-time equivalent 8137
classroom teachers employed by one twenty-fifth; 8138

(2) Subtract the quotient in (1) from the district's regular 8139
student population; 8140

(3) Multiply the difference in (2) by seven hundred fifty-two 8141
dollars. 8142

(C) If a positive amount, add one-half of the amount obtained 8143
by multiplying the number of full-time equivalent classroom 8144
teachers by: 8145

(1) The mean annual salary of all full-time equivalent 8146
classroom teachers employed by the district at their respective 8147
training and experience levels minus; 8148

(2) The mean annual salary of all such teachers at their 8149
respective levels in all school districts receiving payments under 8150
this section. 8151

The number of full-time equivalent classroom teachers used in 8152
this computation shall not exceed one twenty-fifth of the 8153
district's regular student population. In calculating the 8154
district's mean salary under this division, those full-time 8155
equivalent classroom teachers with the highest training level 8156
shall be counted first, those with the next highest training level 8157
second, and so on, in descending order. Within the respective 8158
training levels, teachers with the highest years of service shall 8159

be counted first, the next highest years of service second, and so on, in descending order. 8160
8161

(D) This division does not apply to a school district that 8162
has entered into an agreement under division (A) of section 8163
3313.42 of the Revised Code. Deduct the amount obtained from the 8164
following computations if the district employs fewer than five 8165
full-time equivalent educational service personnel, including 8166
elementary school art, music, and physical education teachers, 8167
counselors, librarians, visiting teachers, school social workers, 8168
and school nurses for each one thousand pupils in the regular 8169
student population: 8170

(1) Divide the number of full-time equivalent educational 8171
service personnel employed by the district by five 8172
one-thousandths; 8173

(2) Subtract the quotient in (1) from the district's regular 8174
student population; 8175

(3) Multiply the difference in (2) by ninety-four dollars. 8176

(E) If a local school district, or a city or exempted village 8177
school district to which a governing board of an educational 8178
service center provides services pursuant to section 3313.843 of 8179
the Revised Code, deduct the amount of the payment required for 8180
the reimbursement of the governing board under section 3317.11 of 8181
the Revised Code. 8182

(F)(1) If the district is required to pay to or entitled to 8183
receive tuition from another school district under division (C)(2) 8184
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 8185
or if the superintendent of public instruction is required to 8186
determine the correct amount of tuition and make a deduction or 8187
credit under section 3317.08 of the Revised Code, deduct and 8188
credit such amounts as provided in division (J) of section 3313.64 8189
or section 3317.08 of the Revised Code. 8190

(2) For each child for whom the district is responsible for 8191
tuition or payment under division (A)(1) of section 3317.082 or 8192
section 3323.091 of the Revised Code, deduct the amount of tuition 8193
or payment for which the district is responsible. 8194

(G) If the district has been certified by the superintendent 8195
of public instruction under section 3313.90 of the Revised Code as 8196
not in compliance with the requirements of that section, deduct an 8197
amount equal to ten per cent of the amount computed for the 8198
district under section 3317.022 of the Revised Code. 8199

(H) If the district has received a loan from a commercial 8200
lending institution for which payments are made by the 8201
superintendent of public instruction pursuant to division (E)(3) 8202
of section 3313.483 of the Revised Code, deduct an amount equal to 8203
such payments. 8204

(I)(1) If the district is a party to an agreement entered 8205
into under division (D), (E), or (F) of section 3311.06 or 8206
division (B) of section 3311.24 of the Revised Code and is 8207
obligated to make payments to another district under such an 8208
agreement, deduct an amount equal to such payments if the district 8209
school board notifies the department in writing that it wishes to 8210
have such payments deducted. 8211

(2) If the district is entitled to receive payments from 8212
another district that has notified the department to deduct such 8213
payments under division (I)(1) of this section, add the amount of 8214
such payments. 8215

(J) If the district is required to pay an amount of funds to 8216
a cooperative education district pursuant to a provision described 8217
by division (B)(4) of section 3311.52 or division (B)(8) of 8218
section 3311.521 of the Revised Code, deduct such amounts as 8219
provided under that provision and credit those amounts to the 8220
cooperative education district for payment to the district under 8221

division (B)(1) of section 3317.19 of the Revised Code. 8222

(K)(1) If a district is educating a student entitled to 8223
attend school in another district pursuant to a shared education 8224
contract, compact, or cooperative education agreement other than 8225
an agreement entered into pursuant to section 3313.842 of the 8226
Revised Code, credit to that educating district on an FTE basis 8227
both of the following: 8228

(a) An amount equal to the sum of the formula amount plus the 8229
per pupil amount of the base funding supplements specified in 8230
divisions (C)(1) to (4) of section 3317.012 of the Revised Code. 8231

(b) An amount equal to the current formula amount times the 8232
state share percentage times any multiple applicable to the 8233
student pursuant to section 3317.013 or 3317.014 of the Revised 8234
Code. 8235

(2) Deduct any amount credited pursuant to division (K)(1) of 8236
this section from amounts paid to the school district in which the 8237
student is entitled to attend school pursuant to section 3313.64 8238
or 3313.65 of the Revised Code. 8239

(3) If the district is required by a shared education 8240
contract, compact, or cooperative education agreement to make 8241
payments to an educational service center, deduct the amounts from 8242
payments to the district and add them to the amounts paid to the 8243
service center pursuant to section 3317.11 of the Revised Code. 8244

(L)(1) If a district, including a joint vocational school 8245
district, is a lead district of a VEPD, credit to that district 8246
the amounts calculated for all the school districts within that 8247
VEPD pursuant to division (E)(2) of section 3317.022 of the 8248
Revised Code. 8249

(2) Deduct from each appropriate district that is not a lead 8250
district, the amount attributable to that district that is 8251
credited to a lead district under division (L)(1) of this section. 8252

(M) If the department pays a joint vocational school district under division (G)(4) of section 3317.16 of the Revised Code for excess costs of providing special education and related services to a student with a disability, as calculated under division (G)(2) of that section, the department shall deduct the amount of that payment from the city, local, or exempted village school district that is responsible as specified in that section for the excess costs.

(N)(1) If the district reports an amount of excess cost for special education services for a child under division (C) of section 3323.14 of the Revised Code, the department shall pay that amount to the district.

(2) If the district reports an amount of excess cost for special education services for a child under division (C) of section 3323.14 of the Revised Code, the department shall deduct that amount from the district of residence of that child.

(O) If the department of job and family services presents to the department of education a payment request through an intrastate transfer voucher for the nonfederal share of reimbursements made to a school district for medicaid services provided by the district, the department of education shall pay the amount of that request to the department of job and family services and shall deduct the amount of that payment from the district.

~~(P) If the department is required to pay an amount under section 3353.25 of the Revised Code to a school district delivering a course included in the clearinghouse established under section 3353.21 of the Revised Code for a student enrolled in a school district, the department shall deduct that amount from the school district in which the student is enrolled.~~

Sec. 3317.11. (A) As used in this section:

(1) "Client school district" means a city or exempted village school district that has entered into an agreement under section 3313.843 of the Revised Code to receive any services from an educational service center.

(2) "Service center ADM" means the sum of the total student counts of all local school districts within an educational service center's territory and all of the service center's client school districts.

(3) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

(4) "Total student count" has the same meaning as in section 3301.011 of the Revised Code.

(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.

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 8315
cost of each supervisory unit shall be the sum of: 8316

(a) The minimum salary prescribed by section 3317.13 of the 8317
Revised Code for the licensed supervisory employee of the 8318
governing board; 8319

(b) An amount equal to fifteen per cent of the salary 8320
prescribed by section 3317.13 of the Revised Code; 8321

(c) An allowance for necessary travel expenses, limited to 8322
the lesser of two hundred twenty-three dollars and sixteen cents 8323
per month or two thousand six hundred seventy-eight dollars per 8324
year. 8325

(2) If a majority of the boards of education, or 8326
superintendents acting on behalf of the boards, of the local and 8327
client school districts receiving services from the educational 8328
service center agree to receive additional supervisory services 8329
and to pay the cost of a corresponding number of supervisory units 8330
in excess of the services and units specified in division (B)(1) 8331
of this section, the service center shall provide the additional 8332
services as agreed to by the majority of districts to, and the 8333
department of education shall apportion the cost of the 8334
corresponding number of additional supervisory units pursuant to 8335
division (B)(3) of this section among, all of the service center's 8336
local and client school districts. 8337

(3) The department shall apportion the total cost for all 8338
supervisory units among the service center's local and client 8339
school districts based on each district's total student count. The 8340
department shall deduct each district's apportioned share pursuant 8341
to division (E) of section 3317.023 of the Revised Code and pay 8342
the apportioned share to the service center. 8343

(C) The department annually shall deduct from each local and 8344
client school district of each educational service center, 8345

pursuant to division (E) of section 3317.023 of the Revised Code, 8346
and pay to the service center an amount equal to six dollars and 8347
fifty cents times the school district's total student count. The 8348
board of education, or the superintendent acting on behalf of the 8349
board, of any local or client school district may agree to pay an 8350
amount in excess of six dollars and fifty cents per student in 8351
total student count. If a majority of the boards of education, or 8352
superintendents acting on behalf of the boards, of the local 8353
school districts within a service center's territory approve an 8354
amount in excess of six dollars and fifty cents per student in 8355
total student count, the department shall deduct the approved 8356
excess per student amount from all of the local school districts 8357
within the service center's territory and pay the excess amount to 8358
the service center. 8359

(D) The department shall pay each educational service center 8360
the amounts due to it from school districts pursuant to contracts, 8361
compacts, or agreements under which the service center furnishes 8362
services to the districts or their students. In order to receive 8363
payment under this division, an educational service center shall 8364
furnish either a copy of the contract, compact, or agreement 8365
clearly indicating the amounts of the payments, or a written 8366
statement that clearly indicates the payments owed and is signed 8367
by the superintendent or treasurer of the responsible school 8368
district. The amounts paid to service centers under this division 8369
shall be deducted from payments to school districts pursuant to 8370
division (K)(3) of section 3317.023 of the Revised Code. 8371

(E) Each school district's deduction under this section and 8372
divisions (E) and (K)(3) of section 3317.023 of the Revised Code 8373
shall be made from the total payment computed for the district 8374
under this chapter, after making any other adjustments in that 8375
payment required by law. 8376

(F)(1) Except as provided in division (F)(2) of this section, 8377

the department annually shall pay the governing board of each 8378
educational service center state funds equal to thirty-seven 8379
dollars times its service center ADM. 8380

(2) The department annually shall pay state funds equal to 8381
forty dollars and fifty-two cents times the service center ADM to 8382
each educational service center comprising territory that was 8383
included in the territory of at least three former service centers 8384
or county school districts, which former centers or districts 8385
engaged in one or more mergers under section 3311.053 of the 8386
Revised Code to form the present center. 8387

(G) Each city, exempted village, local, joint vocational, or 8388
cooperative education school district shall pay to the governing 8389
board of an educational service center any amounts agreed to for 8390
each child enrolled in the district who receives special education 8391
and related services or career-technical education from the 8392
educational service center, unless these educational services are 8393
provided pursuant to a contract, compact, or agreement for which 8394
the department deducts and transfers payments under division (D) 8395
of this section and division (K)(3) of section 3317.023 of the 8396
Revised Code. 8397

(H) The department annually shall pay the governing board of 8398
each educational service center that has entered into a contract 8399
with a STEM school for the provision of services described in 8400
division (B) of section 3326.45 of the Revised Code state funds 8401
equal to the per-pupil amount specified in the contract for the 8402
provision of those services times the number of students enrolled 8403
in the STEM school. 8404

(I) An educational service center: 8405

(1) May provide special education and career-technical 8406
education to students in its local or client school districts; 8407

(2) Is eligible for transportation funding under division (G) 8408

of section 3317.024 of the Revised Code and for state subsidies 8409
for the purchase of school buses under section 3317.07 of the 8410
Revised Code; 8411

(3) May apply for and receive gifted education units and 8412
provide gifted education services to students in its local or 8413
client school districts; 8414

(4) May conduct driver education for high school students in 8415
accordance with Chapter 4508. of the Revised Code. 8416

Sec. 3317.20. This section does not apply to preschool 8417
children with disabilities. 8418

(A) As used in this section: 8419

(1) "Applicable weight" means the multiple specified in 8420
section 3317.013 of the Revised Code for a disability described in 8421
that section. 8422

(2) "Child's school district" means the school district in 8423
which a child is entitled to attend school pursuant to section 8424
3313.64 or 3313.65 of the Revised Code. 8425

(3) "State share percentage" means the state share percentage 8426
of the child's school district as defined in section 3317.022 of 8427
the Revised Code. 8428

(B) Except as provided in division (C) of this section, the 8429
department shall annually pay each county MR/DD board for each 8430
child with a disability, other than a preschool child with a 8431
disability, for whom the county MR/DD board provides special 8432
education and related services an amount equal to the formula 8433
amount + (state share percentage X formula amount X the applicable 8434
weight). 8435

(C) If any school district places with a county MR/DD board 8436
more children with disabilities than it had placed with a county 8437
MR/DD board in fiscal year 1998, the department shall not make a 8438

payment under division (B) of this section for the number of 8439
children exceeding the number placed in fiscal year 1998. The 8440
department instead shall deduct from the district's payments under 8441
this chapter, and pay to the county MR/DD board, an amount 8442
calculated in accordance with the formula prescribed in division 8443
(B) of this section for each child over the number of children 8444
placed in fiscal year 1998. 8445

(D) The department shall calculate for each county MR/DD 8446
board receiving payments under divisions (B) and (C) of this 8447
section the following amounts: 8448

(1) The amount received by the county MR/DD board for 8449
approved special education and related services units, other than 8450
units for preschool children with disabilities, in fiscal year 8451
1998, divided by the total number of children served in the units 8452
that year; 8453

(2) The product of the quotient calculated under division 8454
(D)(1) of this section times the number of children for whom 8455
payments are made under divisions (B) and (C) of this section. 8456

If the amount calculated under division (D)(2) of this 8457
section is greater than the total amount calculated under 8458
divisions (B) and (C) of this section, the department shall pay 8459
the county MR/DD board one hundred per cent of the difference in 8460
addition to the payments under divisions (B) and (C) of this 8461
section. 8462

(E) Each county MR/DD board shall report to the department, 8463
in the manner specified by the department, the name of each child 8464
for whom the county MR/DD board provides special education and 8465
related services and the child's school district. 8466

(F)(1) For the purpose of verifying the accuracy of the 8467
payments under this section, the department may request from 8468
either of the following entities the data verification code 8469

assigned under division (D)(2) of section 3301.0714 of the Revised Code to any child who is placed with a county MR/DD board: 8470
8471

(a) The child's school district; 8472

(b) The independent contractor engaged to create and maintain data verification codes. 8473
8474

(2) Upon a request by the department under division (F)(1) of this section for the data verification code of a child, the child's school district shall submit that code to the department in the manner specified by the department. If the child has not been assigned a code, the district shall assign a code to that child and submit the code to the department by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child. 8475
8476
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The department annually shall submit to each school district the name and data verification code of each child residing in the district for whom the department has assigned a code under this division. 8484
8485
8486
8487

(3) The department shall not release any data verification code that it receives under division (F) of this section to any person except as provided by law. 8488
8489
8490

(G) Any document relative to special education and related services provided by a county MR/DD board that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code. 8491
8492
8493
8494
8495
8496

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the Revised Code: 8497
8498

(A) "Ohio school facilities commission" means the commission 8499

created pursuant to section 3318.30 of the Revised Code. 8500

(B) "Classroom facilities" means rooms in which pupils 8501
regularly assemble in public school buildings to receive 8502
instruction and education and such facilities and building 8503
improvements for the operation and use of such rooms as may be 8504
needed in order to provide a complete educational program, and may 8505
include space within which a child care facility or a community 8506
resource center is housed. "Classroom facilities" includes any 8507
space necessary for the operation of a vocational education 8508
program for secondary students in any school district that 8509
operates such a program. 8510

(C) "Project" means a project to construct or acquire 8511
classroom facilities, or to reconstruct or make additions to 8512
existing classroom facilities, to be used for housing the 8513
applicable school district and its functions. 8514

For a district that opts to divide its entire classroom 8515
facilities needs into segments to be completed separately, as 8516
authorized by section 3318.034 of the Revised Code, "project" 8517
means a segment. 8518

(D) "School district" means a local, exempted village, or 8519
city school district as such districts are defined in Chapter 8520
3311. of the Revised Code, acting as an agency of state 8521
government, performing essential governmental functions of state 8522
government pursuant to sections 3318.01 to 3318.20 of the Revised 8523
Code. 8524

For purposes of assistance provided under sections 3318.40 to 8525
3318.45 of the Revised Code, the term "school district" as used in 8526
this section and in divisions (A), (C), and (D) of section 3318.03 8527
and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 8528
3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 8529
3318.14, 3318.15, 3318.16, 3318.19, and 3318.20 of the Revised 8530

Code means a joint vocational school district established pursuant 8531
to section 3311.18 of the Revised Code. 8532

(E) "School district board" means the board of education of a 8533
school district. 8534

(F) "Net bonded indebtedness" means the difference between 8535
the sum of the par value of all outstanding and unpaid bonds and 8536
notes which a school district board is obligated to pay and any 8537
amounts the school district is obligated to pay under 8538
lease-purchase agreements entered into under section 3313.375 of 8539
the Revised Code, and the amount held in the sinking fund and 8540
other indebtedness retirement funds for their redemption. Notes 8541
issued for school buses in accordance with section 3327.08 of the 8542
Revised Code, notes issued in anticipation of the collection of 8543
current revenues, and bonds issued to pay final judgments shall 8544
not be considered in calculating the net bonded indebtedness. 8545

"Net bonded indebtedness" does not include indebtedness 8546
arising from the acquisition of land to provide a site for 8547
classroom facilities constructed, acquired, or added to pursuant 8548
to sections 3318.01 to 3318.20 of the Revised Code or the par 8549
value of bonds that have been authorized by the electors and the 8550
proceeds of which will be used by the district to provide any part 8551
of its portion of the basic project cost. 8552

(G) "Board of elections" means the board of elections of the 8553
county containing the most populous portion of the school 8554
district. 8555

(H) "County auditor" means the auditor of the county in which 8556
the greatest value of taxable property of such school district is 8557
located. 8558

(I) "Tax duplicates" means the general tax lists and 8559
duplicates prescribed by sections 319.28 and 319.29 of the Revised 8560
Code. 8561

(J) "Required level of indebtedness" means: 8562

(1) In the case of school districts in the first percentile, 8563
five per cent of the district's valuation for the year preceding 8564
the year in which the controlling board approved the project under 8565
section 3318.04 of the Revised Code. 8566

(2) In the case of school districts ranked in a subsequent 8567
percentile, five per cent of the district's valuation for the year 8568
preceding the year in which the controlling board approved the 8569
project under section 3318.04 of the Revised Code, plus [two 8570
one-hundredths of one per cent multiplied by (the percentile in 8571
which the district ranks for the fiscal year preceding the fiscal 8572
year in which the controlling board approved the district's 8573
project minus one)]. 8574

(K) "Required percentage of the basic project costs" means 8575
one per cent of the basic project costs times the percentile in 8576
which the school district ranks for the fiscal year preceding the 8577
fiscal year in which the controlling board approved the district's 8578
project. 8579

(L) "Basic project cost" means a cost amount determined in 8580
accordance with rules adopted under section 111.15 of the Revised 8581
Code by the Ohio school facilities commission. The basic project 8582
cost calculation shall take into consideration the square footage 8583
and cost per square foot necessary for the grade levels to be 8584
housed in the classroom facilities, the variation across the state 8585
in construction and related costs, the cost of the installation of 8586
site utilities and site preparation, the cost of demolition of all 8587
or part of any existing classroom facilities that are abandoned 8588
under the project, the cost of insuring the project until it is 8589
completed, any contingency reserve amount prescribed by the 8590
commission under section 3318.086 of the Revised Code, and the 8591
professional planning, administration, and design fees that a 8592
school district may have to pay to undertake a classroom 8593

facilities project. 8594

For a joint vocational school district that receives 8595
assistance under sections 3318.40 to 3318.45 of the Revised Code, 8596
the basic project cost calculation for a project under those 8597
sections shall also take into account the types of laboratory 8598
spaces and program square footages needed for the vocational 8599
education programs for high school students offered by the school 8600
district. 8601

For a district that opts to divide its entire classroom 8602
facilities needs into segments, each segment to be completed as a 8603
separate project, as authorized by section 3318.034 of the Revised 8604
Code, "basic project cost" means the cost determined in accordance 8605
with this division of a segment. 8606

(M)(1) Except for a joint vocational school district that 8607
receives assistance under sections 3318.40 to 3318.45 of the 8608
Revised Code, a "school district's portion of the basic project 8609
cost" means the amount determined under section 3318.032 of the 8610
Revised Code. 8611

(2) For a joint vocational school district that receives 8612
assistance under sections 3318.40 to 3318.45 of the Revised Code, 8613
a "school district's portion of the basic project cost" means the 8614
amount determined under division (C) of section 3318.42 of the 8615
Revised Code. 8616

(N) "Child care facility" means space within a classroom 8617
facility in which the needs of infants, toddlers, preschool 8618
children, and school children are provided for by persons other 8619
than the parent or guardian of such children for any part of the 8620
day, including persons not employed by the school district 8621
operating such classroom facility. 8622

(O) "Community resource center" means space within a 8623
classroom facility in which comprehensive services that support 8624

the needs of families and children are provided by community-based 8625
social service providers. 8626

(P) "Valuation" means the total value of all property in the 8627
school district as listed and assessed for taxation on the tax 8628
duplicates. 8629

(Q) "Percentile" means the percentile in which the school 8630
district is ranked pursuant to section 3318.011 of the Revised 8631
Code. 8632

(R) "Installation of site utilities" means the installation 8633
of a site domestic water system, site fire protection system, site 8634
gas distribution system, site sanitary system, site storm drainage 8635
system, and site telephone and data system. 8636

(S) "Site preparation" means the earthwork necessary for 8637
preparation of the building foundation system, the paved 8638
pedestrian and vehicular circulation system, playgrounds on the 8639
project site, and lawn and planting on the project site. 8640

Sec. 3318.03. (A) Before conducting an on-site evaluation of 8641
a school district under section 3318.02 of the Revised Code, at 8642
the request of the district board of education, the Ohio school 8643
facilities commission shall examine any classroom facilities needs 8644
assessment that has been conducted by the district and any master 8645
plan developed for meeting the facility needs of the district. 8646

(B) Upon conducting the on-site evaluation under section 8647
3318.02 of the Revised Code, the Ohio school facilities commission 8648
shall make a determination of all of the following: 8649

(1) The needs of the school district for additional classroom 8650
facilities; 8651

(2) The number of classroom facilities to be included in a 8652
project and the basic project cost of constructing, acquiring, 8653
reconstructing, or making additions to each such facility; 8654

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

(4) The remaining amount of such cost that shall be supplied by the state;

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

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

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

If the school district board determines that an existing facility has historical value or for other good cause determines that an existing facility should be renovated in lieu of acquiring

a comparable facility by new construction, the commission may 8686
approve the expenditure of project funds for the renovation of 8687
that facility up to but not exceeding one hundred per cent of the 8688
estimated cost of acquiring a comparable facility by new 8689
construction, as long as the commission determines that the 8690
facility when renovated can be operationally efficient, will be 8691
adequate for the future needs of the district, and will comply 8692
with the other provisions of this division. 8693

(D) Sections 125.81 and 153.04 of the Revised Code shall not 8694
apply to classroom facilities constructed under either sections 8695
3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised 8696
Code. 8697

Sec. 3318.032. (A) The Except as otherwise provided in 8698
divisions (C) and (D) of this section, the portion of the basic 8699
project cost supplied by the school district shall be the greater 8700
of: 8701

(1) The required percentage of the basic project costs; 8702

(2) ~~An~~ (a) For all districts except a district that opts to 8703
divide its entire classroom facilities needs into segments to be 8704
completed separately as authorized by section 3318.034 of the 8705
Revised Code, an amount necessary to raise the school district's 8706
net bonded indebtedness, as of the date the controlling board 8707
approved the project, to within five thousand dollars of the 8708
required level of indebtedness-; 8709

(b) For a district that opts to divide its entire classroom 8710
facilities needs into segments to be completed separately as 8711
authorized by section 3318.034 of the Revised Code, an amount 8712
necessary to raise the school district's net bonded indebtedness, 8713
as of the date the controlling board approved the segment as a 8714
separate project, to within five thousand dollars of the 8715
following: 8716

The required level of indebtedness X (the basic project cost of the segment as approved as a separate project by the controlling board / the estimated basic project cost of the district's entire classroom facilities needs as determined jointly by the staff of the Ohio school facilities commission and the district) 8717
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(B) The amount of the district's share determined under this section shall be calculated only as of the date the controlling board approved the project, and that amount applies throughout the one-year period permitted under section 3318.05 of the Revised Code for the district's electors to approve the propositions described in that section. If the amount reserved and encumbered for a project is released because the electors do not approve those propositions within that year, and the school district later receives the controlling board's approval for the project, the district's portion shall be recalculated in accordance with this section as of the date of the controlling board's subsequent approval. 8723
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~~(C) Notwithstanding anything to the contrary in division (A) or (B) of this section, at~~ At no time shall a school district's portion of the basic project cost be greater than ninety-five per cent of the total basic project cost. 8735
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(D) If the controlling board approves a project under sections 3318.01 to 3318.20 of the Revised Code for a school district that previously received assistance under those sections or section 3318.37 of the Revised Code within the twenty-year period prior to the date on which the controlling board approves the new project, the district's portion of the basic project cost for the new project shall be the lesser of the following: 8739
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(1) The portion calculated under division (A) of this section; 8746
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(2) The greater of the following: 8748

<u>(a) The required percentage of the basic project costs for the new project;</u>	8749
	8750
<u>(b) The percentage of the basic project cost paid by the district for the previous project.</u>	8751
	8752
<u>Sec. 3318.033. (A) As used in this section:</u>	8753
<u>(1) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code.</u>	8754
	8755
<u>(2) "Open enrollment net gain" has the same meaning as in section 3318.011 of the Revised Code.</u>	8756
	8757
<u>(B) This section applies to each school district that meets the following criteria:</u>	8758
	8759
<u>(1) The Ohio school facilities commission certified its conditional approval of the district's project under sections 3318.01 to 3318.20 of the Revised Code after July 1, 2006, and prior to September 29, 2007, and the project had not been completed as of September 29, 2007.</u>	8760
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<u>(2) Within one year after the date of the commission's certification of its conditional approval, the district's electors approved a bond issue to pay the district's portion of the basic project cost or the district board of education complied with section 3318.052 of the Revised Code.</u>	8765
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<u>(3) In the fiscal year prior to the fiscal year in which the district's project was conditionally approved, the district had an open enrollment net gain that was ten per cent or more of its formula ADM.</u>	8770
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<u>(C) For each school district to which this section applies, the department of education shall recalculate the district's percentile ranking under section 3318.011 of the Revised Code for the fiscal year prior to the fiscal year in which the district's project was conditionally approved and shall report the</u>	8774
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recalculated percentile ranking to the commission. For this 8779
purpose, the department shall recalculate every school district's 8780
percentile ranking for that fiscal year using the district's 8781
"valuation per pupil" as that term is defined in section 3318.011 8782
of the Revised Code on and after September 29, 2007. 8783

(D) For each school district to which this section applies, 8784
the commission shall use the recalculated percentile ranking 8785
reported under division (C) of this section to determine the 8786
district's portion of the basic project cost under section 8787
3318.032 of the Revised Code. The commission shall not use the 8788
recalculated percentile ranking for any other purpose, and the 8789
recalculated ranking shall not affect any other district's portion 8790
of the basic project cost under section 3318.032 of the Revised 8791
Code or any district's eligibility for assistance under sections 8792
3318.01 to 3318.20 of the Revised Code. The commission shall 8793
revise the agreement entered into under section 3318.08 of the 8794
Revised Code to reflect the district's new portion of the basic 8795
project cost as determined under this division. 8796

Sec. 3318.034. (A) This section applies to any school 8797
district that is offered assistance under sections 3318.01 to 8798
3318.20 of the Revised Code on or after the effective date of this 8799
section. 8800

Notwithstanding any provision of this chapter to the 8801
contrary, with the approval of the Ohio school facilities 8802
commission, any school district to which this section applies may 8803
opt to divide the district's entire classroom facilities needs, as 8804
those needs are jointly determined by the staff of the commission 8805
and the school district, into discrete segments and may proceed 8806
with each segment sequentially as a separate project under those 8807
sections. That project shall comply with all of the provisions of 8808
those sections unless otherwise provided in this section. 8809

(B) Each segment shall comply with all of the following: 8810

(1) The segment shall consist of the new construction of one 8811
or more entire buildings or the complete renovation of one or more 8812
entire existing buildings, with any necessary additions to that 8813
building. 8814

(2) The segment shall not include any construction of or 8815
renovation or repair to any building that does not complete the 8816
needs of the district with respect to that particular building at 8817
the time the segment is completed. 8818

(3) The segment shall consist of new construction, 8819
renovations, additions, reconstruction, or repair of classroom 8820
facilities to the extent that the school district portion, as 8821
determined under section 3318.032 of the Revised Code, is an 8822
amount not less than the amount that likely would be generated 8823
from a property tax of three mills times the district's valuation 8824
for twenty-three years, unless the district previously has 8825
undertaken a segment as a separate project under this section and 8826
the district's portion of the estimated basic project cost of the 8827
remainder of its entire classroom facilities needs, as determined 8828
jointly by the staff of the commission and the district, is less 8829
than the amount otherwise required by this division. 8830

(C) The commission shall conditionally approve and seek 8831
controlling board approval in accordance with division (A) of 8832
section 3318.04 of the Revised Code of each segment, at the time 8833
it is proposed, as a separate project. Approval by the voting 8834
members of the commission or the controlling board of the 8835
district's entire classroom facilities needs, as determined 8836
jointly by the staff of the commission and district, shall not be 8837
required. If the commission conditionally approves and the 8838
controlling board approves the segment as a separate project, the 8839
district board accepts that approval pursuant to section 3318.05 8840
of the Revised Code, and the district electors approve any bond 8841

issuance and taxes necessary to pay the district's portion of the 8842
basic project cost or the district board otherwise raises 8843
sufficient funds, as authorized by this chapter, to pay the 8844
district's portion of the basic project cost, the commission shall 8845
enter into an agreement with the district board under section 8846
3318.08 of the Revised Code for the segment as a separate project. 8847
That agreement shall include an acknowledgment that the project 8848
covered by the agreement is only one segment of the district's 8849
entire classroom facilities needs, as determined jointly by the 8850
staff of the commission and the district, and that the district 8851
may proceed with future segments under this section at a later 8852
time, as prescribed in division (D) of this section. The 8853
commission and the district board shall enter into a separate 8854
agreement under section 3318.08 of the Revised Code for each 8855
segment. 8856

(D) A school district that undertakes a segment of its entire 8857
classroom facilities needs, as determined jointly by the staff of 8858
the commission and the district, as a separate project may 8859
undertake a subsequent segment as another separate project at any 8860
time, as long as the current percentile of the district is 8861
eligible for assistance under section 3318.02 of the Revised Code. 8862

(E) The school district portion of the basic project cost of 8863
each segment undertaken as a separate project under this section 8864
shall be determined under section 3318.032 of the Revised Code 8865
using the district's current percentile. 8866

(F) The school district's maintenance levy requirement, as 8867
defined in section 3318.18 of the Revised Code, shall run for 8868
twenty-three years from the date the first segment is undertaken. 8869

Sec. 3318.04. (A) If the Ohio school facilities commission 8870
makes a determination under section 3318.03 of the Revised Code in 8871
favor of constructing, acquiring, reconstructing, or making 8872

additions to a classroom facility, the project shall be 8873
conditionally approved. Such conditional approval shall be 8874
submitted to the controlling board for approval thereof. The 8875
controlling board shall forthwith approve or reject the 8876
commission's determination, conditional approval, the amount of 8877
the state's portion of the basic project cost, and, the amount of 8878
the state's portion to be encumbered in the current fiscal year. 8879
In the event of approval thereof by the controlling board, the 8880
commission shall certify such conditional approval to the school 8881
district board and shall encumber from the total funds 8882
appropriated for the purpose of sections 3318.01 to 3318.20 of the 8883
Revised Code the amount approved under this section to be 8884
encumbered in the current fiscal year. 8885

The basic project cost for a project approved under this 8886
section shall not exceed the cost that would otherwise have to be 8887
incurred if the classroom facilities to be constructed, acquired, 8888
or reconstructed, or the additions to be made to classroom 8889
facilities, under such project meet, but do not exceed, the 8890
specifications for plans and materials for classroom facilities 8891
adopted by the commission. 8892

(B)(1) No school district shall have a project conditionally 8893
approved pursuant to this section if the school district has 8894
already received any assistance for a project funded under any 8895
version of sections 3318.01 to 3318.20 of the Revised Code, and 8896
the prior project was one for which the electors of such district 8897
approved a levy within the last twenty years pursuant to any 8898
version of section 3318.06 of the Revised Code for purposes of 8899
qualifying for the funding of that project, unless the district 8900
demonstrates to the satisfaction of the commission that the 8901
district has experienced since approval of its prior project an 8902
exceptional increase in enrollment significantly above the 8903
district's design capacity under that prior project as determined 8904

by rule of the commission. 8905

(2) Notwithstanding division (B)(1) of this section, any 8906
school district that received assistance under sections 3318.01 to 8907
3318.20 of the Revised Code, as those sections existed prior to 8908
May 20, 1997, may receive additional assistance under those 8909
sections, as they exist on and after May 20, 1997, prior to the 8910
expiration of the period of time required under division (B)(1) of 8911
this section, if the percentile in which the school district is 8912
located, as determined under section 3318.011 of the Revised Code, 8913
is eligible for assistance as prescribed in section 3318.02 of the 8914
Revised Code. 8915

The commission may provide assistance under sections 3318.01 8916
to 3318.20 of the Revised Code pursuant to this division to no 8917
more than five school districts per fiscal year until all eligible 8918
school districts have received the additional assistance 8919
authorized under this division. The commission shall establish 8920
application procedures, deadlines, and priorities for funding 8921
projects under this division. 8922

The commission at its discretion may waive current design 8923
specifications it has adopted for projects under sections 3318.01 8924
to 3318.20 of the Revised Code when assessing an application for 8925
additional assistance under this division for the renovation of 8926
classroom facilities constructed or renovated under a school 8927
district's previous project. If the commission finds that a school 8928
district's existing classroom facilities are adequate to meet all 8929
of the school district's needs, the commission may determine that 8930
no additional state assistance be awarded to a school district 8931
under this division. 8932

In order for a school district to be eligible to receive any 8933
additional assistance under this division, the school district 8934
electors shall extend the school district's existing levy 8935
dedicated for maintenance of classroom facilities under Chapter 8936

3318. of the Revised Code, pursuant to section 3318.061 of the 8937
Revised Code or shall provide equivalent alternative maintenance 8938
funds as specified in division (A)(2) of section 3318.06 of the 8939
Revised Code. 8940

(3) Notwithstanding division (B)(1) of this section, any 8941
school district that has received assistance under sections 8942
3318.01 to 3318.20 of the Revised Code after May 20, 1997, may 8943
receive additional assistance if the commission decides in favor 8944
of providing such assistance pursuant to section 3318.042 of the 8945
Revised Code. 8946

(4) Notwithstanding division (B)(1) of this section, any 8947
school district that has opted to divide its entire classroom 8948
facilities needs into segments to be completed separately, as 8949
authorized by section 3318.034 of the Revised Code, and that has 8950
received assistance under sections 3318.01 to 3318.20 of the 8951
Revised Code for one of those segments may receive assistance 8952
under those sections for a subsequent segment. Assistance for any 8953
subsequent segment shall not include any additional work on a 8954
building included in a prior segment unless the district 8955
demonstrates to the satisfaction of the commission that the 8956
district has experienced since the completion of the prior segment 8957
an exceptional increase in enrollment in the grade levels housed 8958
in that building. 8959

~~Sec. 3323.30. The Ohio center for autism and low incidence is 8960
hereby established within the department of education's office for 8961
exceptional children, or any successor of that office. The center 8962
shall administer programs and coordinate services for infants, 8963
preschool and school age children, and adults with autism and low 8964
incidence disabilities. The center's principal focus shall be 8965
programs and services for persons with autism. The center shall be 8966
under the direction of an executive director, appointed by the 8967~~

~~superintendent of public instruction in consultation with the~~ 8968
~~advisory board established under section 3323.31 of the Revised~~ 8969
~~Code. The department shall use state and federal funds~~ 8970
~~appropriated to the department for operation of the center.~~ 8971

As used in ~~this section and in sections 3323.31 to 3323.33~~ 8972
3323.35 of the Revised Code, "autism and low incidence 8973
disabilities" includes any of the following: 8974

- (A) Autism; 8975
- (B) Hearing impairment; 8976
- (C) Multiple disabilities; 8977
- (D) Orthopedic disability; 8978
- (E) Other health impairment; 8979
- (F) Traumatic brain injury; 8980
- (G) Visual impairment. 8981

Sec. 3323.31. The Franklin county educational service center 8982
shall establish the Ohio Center for Autism and Low Incidence. The 8983
Center shall administer programs and coordinate services for 8984
infants, preschool and school-age children, and adults with autism 8985
and low incidence disabilities. The Center's principal focus shall 8986
be programs and services for persons with autism. The Center shall 8987
be under the direction of an executive director, appointed by the 8988
superintendent of the service center in consultation with the 8989
advisory board established under section 3323.33 of the Revised 8990
Code. 8991

In addition to its other duties, the Ohio Center for Autism 8992
and Low Incidence shall participate as a member of an interagency 8993
workgroup on autism, as it is established by the department of 8994
mental retardation and developmental disabilities and shall 8995
provide technical assistance and support to the department in the 8996

department's leadership role to develop and implement the 8997
initiatives identified by the workgroup. 8998

Sec. 3323.32. (A) The department of education shall contract 8999
with an entity to administer programs and coordinate services for 9000
infants, preschool and school-age children, and adults with autism 9001
and low incidence disabilities. The entity shall be selected by 9002
the superintendent of public instruction in consultation with the 9003
advisory board established under section 3323.33 of the Revised 9004
Code. 9005

The contract with the entity selected shall include, but not 9006
be limited to, the following provisions: 9007

(1) A description of the programs to be administered and 9008
services to be provided or coordinated by the entity, which shall 9009
include at least the duties prescribed by sections 3323.34 and 9010
3323.35 of the Revised Code; 9011

(2) A description of the expected outcomes from the programs 9012
administered and services provided or coordinated by the entity; 9013

(3) A stipulation that the entity's performance is subject to 9014
evaluation by the department and renewal of the entity's contract 9015
is subject to the department's satisfaction with the entity's 9016
performance; 9017

(4) A description of the measures and milestones the 9018
department will use to determine whether the performance of the 9019
entity is satisfactory; 9020

(5) Any other provision the department determines is 9021
necessary to ensure the quality of services to individuals with 9022
autism and low incidence disabilities. 9023

(B) In selecting the entity under division (A) of this 9024
section, the superintendent and the advisory board shall give 9025
primary consideration to the Ohio Center for Autism and Low 9026

Incidence, established under section 3323.31 of the Revised Code, 9027
as long as the principal goals and mission of the Center, as 9028
determined by the superintendent and the advisory board, are 9029
consistent with the requirements of divisions (A)(1) to (5) of 9030
this section. 9031

Sec. ~~3323.31~~ 3323.33. The superintendent of public 9032
instruction shall establish an advisory board to assist and advise 9033
the ~~department of education~~ Franklin county educational service 9034
center in the operation of the Ohio ~~center for autism and low~~ 9035
~~incidence~~ Center for Autism and Low Incidence and the 9036
superintendent of public instruction in selecting an entity to 9037
administer programs and coordinate services for individuals with 9038
autism and low incidence disabilities as required by section 9039
3323.32 of the Revised Code and to provide technical assistance in 9040
the provision of such services. As determined by the 9041
superintendent, the advisory board shall consist of individuals 9042
who are stakeholders in the service to persons with autism and low 9043
incidence disabilities, including, but not limited to, the 9044
following: 9045

- (A) Persons with autism and low incidence disabilities; 9046
- (B) Parents and family members; 9047
- (C) Educators and other professionals; 9048
- (D) Higher education instructors; 9049
- (E) Representatives of state agencies. 9050

The advisory board shall be organized as determined by the 9051
superintendent. 9052

Members of the advisory board shall receive no compensation 9053
for their services. 9054

Sec. ~~3323.32~~ 3323.34. The ~~Ohio center for autism and low~~ 9055

incidence entity selected under section 3323.32 of the Revised Code shall do all of the following: 9056
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(A) Collaborate and consult with state agencies that serve persons with autism and low incidence disabilities; 9058
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(B) Collaborate and consult with institutions of higher education in development and implementation of courses for educators and other professionals serving persons with autism and low incidence disabilities; 9060
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(C) Collaborate with parent and professional organizations; 9064

(D) Create and implement programs for professional development, technical assistance, intervention services, and research in the treatment of persons with autism and low incidence disabilities; 9065
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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. 9069
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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. 9077
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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: 9080
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(A) Maintain a collection of resources for public 9086
distribution; 9087

(B) Monitor information on resources, trends, policies, 9088
services, and current educational interventions; 9089

(C) Respond to requests for information from parents and 9090
educators of children with autism and low incidence disabilities. 9091

Sec. 3323.36. (A) As used in this section, "preschool 9092
children" means children who are at least three years of age but 9093
are not of compulsory school age, as defined in section 3321.01 of 9094
the Revised Code, and are not currently enrolled in kindergarten. 9095

(B) The executive director of the Ohio center for autism and 9096
low incidence, working in consultation with the director of mental 9097
retardation and developmental disabilities, shall establish the 9098
autism preschool program under which grants are to be provided to 9099
one or more entities for the purpose of assisting the entities 9100
operate programs to improve the lives of preschool children who 9101
have a primary diagnosis of autism by doing all of the following: 9102

(1) Establishing a preschool model that incorporates elements 9103
common to effective intervention programs and evidence-based 9104
practices in autism and that may be used by other entities; 9105

(2) Designing a template for individualized education plans 9106
that provides for consistent intervention programs and 9107
evidence-based practices for the care and treatment of children 9108
with autism; 9109

(3) Creating best practices guidelines to be disseminated to 9110
the families of preschool children with a primary diagnosis of 9111
autism and professionals who work in the field of autism; 9112

(4) Developing a transition planning model for effectively 9113
mainstreaming children with a primary diagnosis of autism to their 9114
public school district after the children attain five years of age 9115

in a manner that reduces the amount of services the children need 9116
to be mainstreamed; 9117

(5) Contributing to the field of early intervention programs 9118
for autism through scholarly research and publication of clinical 9119
findings. 9120

(C) An entity must meet all of the following requirements to 9121
be eligible for a grant under the autism preschool program: 9122

(1) Be a nonprofit organization that is exempt from federal 9123
income taxation pursuant to 26 U.S.C. 501(a) and (c)(3); 9124

(2) Have experience providing services to children and adults 9125
with mental retardation or a developmental disability, including 9126
autism; 9127

(3) Work in collaboration with universities and healthcare 9128
organizations that have expertise in autism and related 9129
disabilities to design and implement services for preschool 9130
children with a primary diagnosis of autism; 9131

(4) Provide at least the following services as ancillary 9132
services to preschool children with a primary diagnosis of autism: 9133

(a) Physical therapy; 9134

(b) Occupational therapy; 9135

(c) Speech and language therapy; 9136

(d) Assistive technology. 9137

Sec. 3326.45. (A) The governing body of a science, 9138
technology, engineering, and mathematics school may contract with 9139
the governing board of an educational service center or the board 9140
of education of a joint vocational school district for the 9141
provision of services to the STEM school or to any student 9142
enrolled in the school. Services provided under the contract and 9143
the amount to be paid for those services shall be mutually agreed 9144

to by the parties to the contract, and shall be specified in the 9145
contract. 9146

(B) A contract entered into under this section may require an 9147
educational service center to provide any one or a combination of 9148
the following services to a STEM school: 9149

(1) Supervisory teachers; 9150

(2) In-service and continuing education programs for 9151
personnel of the STEM school; 9152

(3) Curriculum services as provided to the local school 9153
districts under the supervision of the service center; 9154

(4) Research and development programs; 9155

(5) Academic instruction for which the service center 9156
governing board employs teachers; 9157

(6) Assistance in the provision of special accommodations and 9158
classes for students with disabilities. 9159

Services described in division (B) of this section shall be 9160
provided to the STEM school in the same manner they are provided 9161
to local school districts under the service center's supervision, 9162
unless otherwise specified in the contract. The contract shall 9163
specify whether the service center will receive a per-pupil 9164
payment from the department of education for the provision of 9165
these services and, if so, the amount of the per-pupil payment, 9166
which shall not exceed the per-pupil amount paid to the service 9167
center under division (F) of section 3317.11 of the Revised Code 9168
for each student in the service center ADM. 9169

(C) For each contract entered into under this section, the 9170
department shall deduct the amount owed by the STEM school from 9171
the state funds due to the STEM school under this chapter and 9172
shall pay that amount to the educational service center or joint 9173
vocational school district that is party to the contract. In the 9174

case of a contract with an educational service center that 9175
specifies per-pupil payments for the provision of services 9176
described in division (B) of this section, the department also 9177
shall pay the service center the amount calculated under division 9178
(H) of section 3317.11 of the Revised Code. 9179

(D) No contract entered into under this section shall be 9180
valid unless a copy is filed with the department by the first day 9181
of the school year for which the contract is in effect. 9182

Sec. 3333.04. The chancellor of the Ohio board of regents 9183
shall: 9184

(A) Make studies of state policy in the field of higher 9185
education and formulate a master plan for higher education for the 9186
state, considering the needs of the people, the needs of the 9187
state, and the role of individual public and private institutions 9188
within the state in fulfilling these needs; 9189

(B)(1) Report annually to the governor and the general 9190
assembly on the findings from the chancellor's studies and the 9191
master plan for higher education for the state; 9192

(2) Report at least semiannually to the general assembly and 9193
the governor the enrollment numbers at each state-assisted 9194
institution of higher education. 9195

(C) Approve or disapprove the establishment of new branches 9196
or academic centers of state colleges and universities; 9197

(D) Approve or disapprove the establishment of state 9198
technical colleges or any other state institution of higher 9199
education; 9200

(E) Recommend the nature of the programs, undergraduate, 9201
graduate, professional, state-financed research, and public 9202
services which should be offered by the state colleges, 9203
universities, and other state-assisted institutions of higher 9204

education in order to utilize to the best advantage their 9205
facilities and personnel; 9206

(F) Recommend to the state colleges, universities, and other 9207
state-assisted institutions of higher education graduate or 9208
professional programs, including, but not limited to, doctor of 9209
philosophy, doctor of education, and juris doctor programs, that 9210
could be eliminated because they constitute unnecessary 9211
duplication, as shall be determined using the process developed 9212
pursuant to this division, or for other good and sufficient cause. 9213
Prior to recommending a program for elimination, the chancellor 9214
shall request the board of regents to hold at least one public 9215
hearing on the matter and advise the chancellor on whether the 9216
program should be recommended for elimination. The board shall 9217
provide notice of each hearing within a reasonable amount of time 9218
prior to its scheduled date. Following the hearing, the board 9219
shall issue a recommendation to the chancellor. The chancellor 9220
shall consider the board's recommendation but shall not be 9221
required to accept it. 9222

For purposes of determining the amounts of any state 9223
instructional subsidies paid to state colleges, universities, and 9224
other state-assisted institutions of higher education, the 9225
chancellor may exclude students enrolled in any program that the 9226
chancellor has recommended for elimination pursuant to this 9227
division except that the chancellor shall not exclude any such 9228
student who enrolled in the program prior to the date on which the 9229
chancellor initially commences to exclude students under this 9230
division. 9231

The chancellor and state colleges, universities, and other 9232
state-assisted institutions of higher education shall jointly 9233
develop a process for determining which existing graduate or 9234
professional programs constitute unnecessary duplication. 9235

(G) Recommend to the state colleges, universities, and other 9236

state-assisted institutions of higher education programs which 9237
should be added to their present programs; 9238

(H) Conduct studies for the state colleges, universities, and 9239
other state-assisted institutions of higher education to assist 9240
them in making the best and most efficient use of their existing 9241
facilities and personnel; 9242

(I) Make recommendations to the governor and general assembly 9243
concerning the development of state-financed capital plans for 9244
higher education; the establishment of new state colleges, 9245
universities, and other state-assisted institutions of higher 9246
education; and the establishment of new programs at the existing 9247
state colleges, universities, and other institutions of higher 9248
education; 9249

(J) Review the appropriation requests of the public community 9250
colleges and the state colleges and universities and submit to the 9251
office of budget and management and to the chairpersons of the 9252
finance committees of the house of representatives and of the 9253
senate the chancellor's recommendations in regard to the biennial 9254
higher education appropriation for the state, including 9255
appropriations for the individual state colleges and universities 9256
and public community colleges. For the purpose of determining the 9257
amounts of instructional subsidies to be paid to state-assisted 9258
colleges and universities, the chancellor shall define "full-time 9259
equivalent student" by program per academic year. The definition 9260
may take into account the establishment of minimum enrollment 9261
levels in technical education programs below which support 9262
allowances will not be paid. Except as otherwise provided in this 9263
section, the chancellor shall make no change in the definition of 9264
"full-time equivalent student" in effect on November 15, 1981, 9265
which would increase or decrease the number of subsidy-eligible 9266
full-time equivalent students, without first submitting a fiscal 9267
impact statement to the president of the senate, the speaker of 9268

the house of representatives, the legislative service commission, 9269
and the director of budget and management. The chancellor shall 9270
work in close cooperation with the director of budget and 9271
management in this respect and in all other matters concerning the 9272
expenditures of appropriated funds by state colleges, 9273
universities, and other institutions of higher education. 9274

(K) Seek the cooperation and advice of the officers and 9275
trustees of both public and private colleges, universities, and 9276
other institutions of higher education in the state in performing 9277
the chancellor's duties and making the chancellor's plans, 9278
studies, and recommendations; 9279

(L) Appoint advisory committees consisting of persons 9280
associated with public or private secondary schools, members of 9281
the state board of education, or personnel of the state department 9282
of education; 9283

(M) Appoint advisory committees consisting of college and 9284
university personnel, or other persons knowledgeable in the field 9285
of higher education, or both, in order to obtain their advice and 9286
assistance in defining and suggesting solutions for the problems 9287
and needs of higher education in this state; 9288

(N) Approve or disapprove all new degrees and new degree 9289
programs at all state colleges, universities, and other 9290
state-assisted institutions of higher education; 9291

(O) Adopt such rules as are necessary to carry out the 9292
chancellor's duties and responsibilities. The rules shall 9293
prescribe procedures for the chancellor to follow when taking 9294
actions associated with the chancellor's duties and 9295
responsibilities and shall indicate which types of actions are 9296
subject to those procedures. The procedures adopted under this 9297
division shall be in addition to any other procedures prescribed 9298
by law for such actions. However, if any other provision of the 9299

Revised Code or rule adopted by the chancellor prescribes 9300
different procedures for such an action, the procedures adopted 9301
under this division shall not apply to that action to the extent 9302
they conflict with the procedures otherwise prescribed by law. The 9303
procedures adopted under this division shall include at least the 9304
following: 9305

(1) Provision for public notice of the proposed action; 9306

(2) An opportunity for public comment on the proposed action, 9307
which may include a public hearing on the action by the board of 9308
regents; 9309

(3) Methods for parties that may be affected by the proposed 9310
action to submit comments during the public comment period; 9311

(4) Submission of recommendations from the board of regents 9312
regarding the proposed action, at the request of the chancellor; 9313

(5) Written publication of the final action taken by the 9314
chancellor and the chancellor's rationale for the action; 9315

(6) A timeline for the process described in divisions (0)(1) 9316
to (5) of this section. 9317

(P) Establish and submit to the governor and the general 9318
assembly a clear and measurable set of goals and timetables for 9319
their achievement for each program under the chancellor's 9320
supervision that is designed to accomplish any of the following: 9321

(1) Increased access to higher education; 9322

(2) Job training; 9323

(3) Adult literacy; 9324

(4) Research; 9325

(5) Excellence in higher education; 9326

(6) Reduction in the number of graduate programs within the 9327
same subject area. 9328

In July of each odd-numbered year, the chancellor shall 9329
submit to the governor and the general assembly a report on 9330
progress made toward these goals. 9331

(Q) Make recommendations to the governor and the general 9332
assembly regarding the design and funding of the student financial 9333
aid programs specified in sections 3333.12, 3333.122, 3333.21 to 9334
3333.27, and 5910.02 of the Revised Code; 9335

(R) Participate in education-related state or federal 9336
programs on behalf of the state and assume responsibility for the 9337
administration of such programs in accordance with applicable 9338
state or federal law; 9339

(S) Adopt rules for student financial aid programs as 9340
required by sections 3333.12, 3333.122, 3333.21 to 3333.27, 9341
3333.28, and 5910.02 of the Revised Code, and perform any other 9342
administrative functions assigned to the chancellor by those 9343
sections; 9344

(T) ~~Administer contracts under sections 3702.74 and 3702.75~~ 9345
~~of the Revised Code in accordance with rules adopted by the~~ 9346
~~director of health under section 3702.79 of the Revised Code;~~ 9347

~~(U)~~ Conduct enrollment audits of state-supported institutions 9348
of higher education; 9349

~~(V)~~(U) Appoint ~~consortiums~~ consortia of college and 9350
university personnel to advise or participate in the development 9351
and operation of statewide collaborative efforts, including the 9352
Ohio supercomputer center, the Ohio academic resources network, 9353
OhioLink, and the Ohio learning network. For each consortium, the 9354
chancellor shall designate a college or university to serve as 9355
that consortium's fiscal agent, financial officer, and employer. 9356
Any funds appropriated for the ~~consortiums~~ consortia shall be 9357
distributed to the fiscal agents for the operation of the 9358
~~consortiums~~ consortia. A consortium shall follow the rules of the 9359

college or university that serves as its fiscal agent. The 9360
chancellor may restructure existing consortia, appointed under 9361
this division, in accordance with procedures adopted under 9362
divisions (D)(1) to (6) of this section. 9363

~~(W)~~(V) Adopt rules establishing advisory duties and 9364
responsibilities of the board of regents not otherwise prescribed 9365
by law; 9366

~~(X)~~(W) Respond to requests for information about higher 9367
education from members of the general assembly and direct staff to 9368
conduct research or analysis as needed for this purpose. 9369

Sec. 3333.044. (A) The chancellor of the Ohio board of 9370
regents may contract with any consultants that are necessary for 9371
the discharge of the chancellor's duties under this chapter. 9372

(B) The chancellor may purchase, upon the terms that the 9373
chancellor determines to be advisable, one or more policies of 9374
insurance from insurers authorized to do business in this state 9375
that insure consultants who have contracted with the chancellor 9376
under division (A) of this section or members of an advisory 9377
committee appointed under section 3333.04 of the Revised Code, 9378
with respect to the activities of the consultants or advisory 9379
committee members in the course of the performance of their 9380
responsibilities as consultants or advisory committee members. 9381

(C) Subject to the approval of the controlling board, the 9382
chancellor may contract with any entities for the discharge of the 9383
chancellor's duties and responsibilities under any of the programs 9384
established pursuant to sections 3333.12, 3333.122, 3333.21 to 9385
3333.28, ~~3702.71 to 3702.81~~, and 5120.55, and Chapter 5910. of the 9386
Revised Code. The chancellor shall not enter into a contract under 9387
this division unless the proposed contractor demonstrates that its 9388
primary purpose is to promote access to higher education by 9389
providing student financial assistance through loans, grants, or 9390

scholarships, and by providing high quality support services and 9391
information to students and their families with regard to such 9392
financial assistance. 9393

Chapter 125. of the Revised Code does not apply to contracts 9394
entered into pursuant to this section. In awarding contracts under 9395
this division, the chancellor shall consider factors such as the 9396
cost of the administration of the contract, the experience of the 9397
contractor, and the contractor's ability to properly execute the 9398
contract. 9399

Sec. 3333.122. (A) As used in this section: 9400

(1) "Eligible student" means a student who is: 9401

(a) An Ohio resident who first enrolls in an undergraduate 9402
program in the 2006-2007 academic year or thereafter; 9403

(b) If the student first enrolled in an undergraduate program 9404
in the 2006-2007 ~~or~~, 2007-2008, or 2008-2009 academic year, the 9405
student is enrolled in ~~either~~ one of the following: 9406

(i) An accredited institution of higher education in this 9407
state that meets the requirements of Title VI of the Civil Rights 9408
Act of 1964 and is state-assisted, is nonprofit and has a 9409
certificate of authorization pursuant to Chapter 1713. of the 9410
Revised Code, has a certificate of registration from the state 9411
board of career colleges and schools and program authorization to 9412
award an associate or bachelor's degree, or is a private 9413
institution exempt from regulation under Chapter 3332. of the 9414
Revised Code as prescribed in section 3333.046 of the Revised 9415
Code. Students who attend an institution that holds a certificate 9416
of registration shall be enrolled in a program leading to an 9417
associate or bachelor's degree for which associate or bachelor's 9418
degree program the institution has program authorization issued 9419
under section 3332.05 of the Revised Code. 9420

(ii) A technical education program of at least two years 9421
duration sponsored by a private institution of higher education in 9422
this state that meets the requirements of Title VI of the Civil 9423
Rights Act of 1964; 9424

(iii) A nursing diploma program approved by the board of 9425
nursing under division (A)(5) of section 4723.06 of the Revised 9426
Code and that meets the requirements of Title VI of the Civil 9427
Rights Act of 1964. 9428

(c) If the student first enrolled in an undergraduate program 9429
after the ~~2007-2008~~ 2008-2009 academic year, the student is 9430
enrolled in ~~either~~ one of the following: 9431

(i) An accredited institution of higher education in this 9432
state that meets the requirements of Title VI of the Civil Rights 9433
Act of 1964 and is state-assisted, is nonprofit and has a 9434
certificate of authorization pursuant to Chapter 1713. of the 9435
Revised Code, or is a private institution exempt from regulation 9436
under Chapter 3332. of the Revised Code as prescribed in section 9437
3333.046 of the Revised Code; 9438

(ii) An education program of at least two years duration 9439
sponsored by a private institution of higher education in this 9440
state that meets the requirements of Title VI of the Civil Rights 9441
Act of 1964 and has a certificate of authorization pursuant to 9442
Chapter 1713. of the Revised Code; 9443

(iii) A nursing diploma program approved by the board of 9444
nursing under division (A)(5) of section 4723.06 of the Revised 9445
Code and that meets the requirements of Title VI of the Civil 9446
Rights Act of 1964. 9447

(2) A student who participated in either the early college 9448
high school program administered by the department of education or 9449
in the post-secondary enrollment options program pursuant to 9450
Chapter 3365. of the Revised Code before the 2006-2007 academic 9451

year shall not be excluded from eligibility for a needs-based 9452
financial aid grant under this section. 9453

(3) "Resident," "expected family contribution" or "EFC," 9454
"full-time student," "three-quarters-time student," "half-time 9455
student," "one-quarter-time student," and "accredited" shall be 9456
defined by rules adopted by the chancellor of the Ohio board of 9457
regents. 9458

(B) The chancellor shall establish and administer a 9459
needs-based financial aid program based on the United States 9460
department of education's method of determining financial need and 9461
may adopt rules to carry out this section. The program shall be 9462
known as the Ohio college opportunity grant program. The general 9463
assembly shall support the needs-based financial aid program by 9464
such sums and in such manner as it may provide, but the chancellor 9465
may also receive funds from other sources to support the program. 9466
If the amounts available for support of the program are inadequate 9467
to provide grants to all eligible students, preference in the 9468
payment of grants shall be given in terms of expected family 9469
contribution, beginning with the lowest expected family 9470
contribution category and proceeding upward by category to the 9471
highest expected family contribution category. 9472

A needs-based financial aid grant shall be paid to an 9473
eligible student through the institution in which the student is 9474
enrolled, except that no needs-based financial aid grant shall be 9475
paid to any person serving a term of imprisonment. Applications 9476
for such grants shall be made as prescribed by the chancellor, and 9477
such applications may be made in conjunction with and upon the 9478
basis of information provided in conjunction with student 9479
assistance programs funded by agencies of the United States 9480
government or from financial resources of the institution of 9481
higher education. The institution shall certify that the student 9482
applicant meets the requirements set forth in divisions (A)(1)(a) 9483

and (b) of this section. Needs-based financial aid grants shall be 9484
provided to an eligible student only as long as the student is 9485
making appropriate progress toward a nursing diploma or an 9486
associate or bachelor's degree. No student shall be eligible to 9487
receive a grant for more than ten semesters, fifteen quarters, or 9488
the equivalent of five academic years. A grant made to an eligible 9489
student on the basis of less than full-time enrollment shall be 9490
based on the number of credit hours for which the student is 9491
enrolled and shall be computed in accordance with a formula 9492
adopted by the chancellor. No student shall receive more than one 9493
grant on the basis of less than full-time enrollment. 9494

A needs-based financial aid grant shall not exceed the total 9495
instructional and general charges of the institution. 9496

(C) The tables in this division prescribe the maximum grant 9497
amounts covering two semesters, three quarters, or a comparable 9498
portion of one academic year. Grant amounts for additional terms 9499
in the same academic year shall be determined under division (D) 9500
of this section. 9501

As used in the tables in division (C) of this section: 9502

(1) "Private institution" means an institution that is 9503
nonprofit and has a certificate of authorization pursuant to 9504
Chapter 1713. of the Revised Code. 9505

(2) "Career college" means either an institution that holds a 9506
certificate of registration from the state board of career 9507
colleges and schools or a private institution exempt from 9508
regulation under Chapter 3332. of the Revised Code as prescribed 9509
in section 3333.046 of the Revised Code. 9510

Full-time students shall be eligible to receive awards 9511
according to the following table: 9512

Full-Time Enrollment 9513

If the EFC And if the If the If the If the 9514

is equal to or greater than:	EFC is no more than:	student attends a public institution, the annual award shall be:	student attends a private institution, the annual award shall be:	student attends a career college, the annual award shall be:	
\$2,101	\$2,190	\$300	\$600	\$480	9515
2,001	2,100	402	798	642	9516
1,901	2,000	498	1,002	798	9517
1,801	1,900	600	1,200	960	9518
1,701	1,800	702	1,398	1,122	9519
1,601	1,700	798	1,602	1,278	9520
1,501	1,600	900	1,800	1,440	9521
1,401	1,500	1,002	1,998	1,602	9522
1,301	1,400	1,098	2,202	1,758	9523
1,201	1,300	1,200	2,400	1,920	9524
1,101	1,200	1,302	2,598	2,082	9525
1,001	1,100	1,398	2,802	2,238	9526
901	1,000	1,500	3,000	2,400	9527
801	900	1,602	3,198	2,562	9528
701	800	1,698	3,402	2,718	9529
601	700	1,800	3,600	2,280	9530
501	600	1,902	3,798	3,042	9531
401	500	1,998	4,002	3,198	9532
301	400	2,100	4,200	3,360	9533
201	300	2,202	4,398	3,522	9534
101	200	2,298	4,602	3,678	9535
1	100	2,400	4,800	3,840	9536
0	0	2,496	4,992	3,996	9537

Three-quarters-time students shall be eligible to receive awards according to the following table: 9538
9539

Three-Quarters-Time Enrollment 9540

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:	9541
\$2,101	\$2,190	\$228	\$450	\$360	9542
2,001	2,100	300	600	480	9543
1,901	2,000	372	750	600	9544
1,801	1,900	450	900	720	9545
1,701	1,800	528	1,050	840	9546
1,601	1,700	600	1,200	960	9547
1,501	1,600	678	1,350	1,080	9548
1,401	1,500	750	1,500	1,200	9549
1,301	1,400	822	1,650	1,320	9550
1,201	1,300	900	1,800	1,440	9551
1,101	1,200	978	1,950	1,560	9552
1,001	1,100	1,050	2,100	1,680	9553
901	1,000	1,128	2,250	1,800	9554
801	900	1,200	2,400	1,920	9555
701	800	1,272	2,550	2,040	9556
601	700	1,350	2,700	2,160	9557
501	600	1,428	2,850	2,280	9558
401	500	1,500	3,000	2,400	9559
301	400	1,578	3,150	2,520	9560
201	300	1,650	3,300	2,640	9561
101	200	1,722	3,450	2,760	9562
1	100	1,800	3,600	2,880	9563
0	0	1,872	3,744	3,000	9564
Half-time students shall be eligible to receive awards					9565
according to the following table:					9566

Half-Time Enrollment					9567
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:	9568
\$2,101	\$2,190	\$150	\$300	\$240	9569
2,001	2,100	204	402	324	9570
1,901	2,000	252	504	402	9571
1,801	1,900	300	600	480	9572
1,701	1,800	354	702	564	9573
1,601	1,700	402	804	642	9574
1,501	1,600	450	900	720	9575
1,401	1,500	504	1,002	804	9576
1,301	1,400	552	1,104	882	9577
1,201	1,300	600	1,200	960	9578
1,101	1,200	654	1,302	1,044	9579
1,001	1,100	702	1,404	1,122	9580
901	1,000	750	1,500	1,200	9581
801	900	804	1,602	1,284	9582
701	800	852	1,704	1,362	9583
601	700	900	1,800	1,440	9584
501	600	954	1,902	1,524	9585
401	500	1,002	2,004	1,602	9586
301	400	1,050	2,100	1,680	9587
201	300	1,104	2,202	1,764	9588
101	200	1,152	2,304	1,842	9589
1	100	1,200	2,400	1,920	9590
0	0	1,248	2,496	1,998	9591
One-quarter-time students shall be eligible to receive awards					9592

according to the following table:					9593
One-Quarter-Time Enrollment					9594
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:	9595
\$2,101	\$2,190	\$78	\$150	\$120	9596
2,001	2,100	102	198	162	9597
1,901	2,000	126	252	198	9598
1,801	1,900	150	300	240	9599
1,701	1,800	174	348	282	9600
1,601	1,700	198	402	318	9601
1,501	1,600	228	450	360	9602
1,401	1,500	252	498	402	9603
1,301	1,400	276	552	438	9604
1,201	1,300	300	600	480	9605
1,101	1,200	324	648	522	9606
1,001	1,100	348	702	558	9607
901	1,000	378	750	600	9608
801	900	402	798	642	9609
701	800	426	852	678	9610
601	700	450	900	720	9611
501	600	474	948	762	9612
401	500	498	1,002	798	9613
301	400	528	1,050	840	9614
201	300	552	1,098	882	9615
101	200	576	1,152	918	9616
1	100	600	1,200	960	9617
0	0	624	1,248	1,002	9618

(D) For a full-time student enrolled in an eligible 9619
institution for a semester or quarter in addition to the portion 9620
of the academic year covered by a grant determined under division 9621
(C) of this section, the maximum grant amount shall be a 9622
percentage of the maximum prescribed in the applicable table of 9623
that division. The maximum grant for a fourth quarter shall be 9624
one-third of the maximum amount prescribed under that division. 9625
The maximum grant for a third semester shall be one-half of the 9626
maximum amount prescribed under that division. 9627

(E) No grant shall be made to any student in a course of 9628
study in theology, religion, or other field of preparation for a 9629
religious profession unless such course of study leads to an 9630
accredited bachelor of arts, bachelor of science, associate of 9631
arts, or associate of science degree. 9632

(F)(1) Except as provided in division (F)(2) of this section, 9633
no grant shall be made to any student for enrollment during a 9634
fiscal year in an institution with a cohort default rate 9635
determined by the United States secretary of education pursuant to 9636
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 9637
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 9638
preceding the fiscal year, equal to or greater than thirty per 9639
cent for each of the preceding two fiscal years. 9640

(2) Division (F)(1) of this section does not apply to the 9641
following: 9642

(a) Any student enrolled in an institution that under the 9643
federal law appeals its loss of eligibility for federal financial 9644
aid and the United States secretary of education determines its 9645
cohort default rate after recalculation is lower than the rate 9646
specified in division (F)(1) of this section or the secretary 9647
determines due to mitigating circumstances the institution may 9648
continue to participate in federal financial aid programs. The 9649
chancellor shall adopt rules requiring institutions to provide 9650

information regarding an appeal to the chancellor. 9651

(b) Any student who has previously received a grant under 9652
this section who meets all other requirements of this section. 9653

(3) The chancellor shall adopt rules for the notification of 9654
all institutions whose students will be ineligible to participate 9655
in the grant program pursuant to division (F)(1) of this section. 9656

(4) A student's attendance at an institution whose students 9657
lose eligibility for grants under division (F)(1) of this section 9658
shall not affect that student's eligibility to receive a grant 9659
when enrolled in another institution. 9660

(G) Institutions of higher education that enroll students 9661
receiving needs-based financial aid grants under this section 9662
shall report to the chancellor all students who have received 9663
needs-based financial aid grants but are no longer eligible for 9664
all or part of such grants and shall refund any moneys due the 9665
state within thirty days after the beginning of the quarter or 9666
term immediately following the quarter or term in which the 9667
student was no longer eligible to receive all or part of the 9668
student's grant. There shall be an interest charge of one per cent 9669
per month on all moneys due and payable after such thirty-day 9670
period. The chancellor shall immediately notify the office of 9671
budget and management and the legislative service commission of 9672
all refunds so received. 9673

Sec. ~~3353.20~~ 3333.81. As used in sections ~~3353.20~~ 3333.81 to 9674
~~3353.30~~ 3333.88 of the Revised Code: 9675

(A) "Clearinghouse" means the clearinghouse established under 9676
section ~~3353.21~~ 3333.82 of the Revised Code. 9677

(B) "~~Data verification code~~" means ~~the code assigned to a~~ 9678
~~student under division (D)(2) of section 3301.0714 of the Revised~~ 9679
~~Code.~~ 9680

~~(C) "One half unit" of instruction has the same meaning as in section 3313.603 of the Revised Code.~~ 9681
9682

~~(D) "Community school" means a community school established under Chapter 3314. of the Revised Code.~~ 9683
9684

(C) "Common statewide platform" means a software program that facilitates the delivery of courses via computers from multiple course providers to multiple end users, tracks the progress of the end user, and includes an integrated searchable database of standards-based course content. 9685
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(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. 9690
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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. 9695
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(F) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 9700
9701

(G) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code. 9702
9703
9704

(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. 9705
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~~(E)~~(I) A "student's school district" means the school district operating the school in which the student is lawfully 9709
9710

enrolled. 9711

(J) "A student's STEM school" means the STEM school in which 9712
the student is enrolled instead of being enrolled in a school 9713
operated by a school district. 9714

Sec. ~~3353.21~~ 3333.82. (A) The ~~eTech Ohio~~ commission 9715
chancellor of the Ohio board of regents shall establish a 9716
clearinghouse of interactive distance learning courses and other 9717
distance learning courses delivered via a computer-based method 9718
offered by school districts, community schools, STEM schools, 9719
state institutions of higher education, private colleges and 9720
universities, and other nonprofit and for-profit course providers 9721
for sharing with other school districts ~~and,~~ community schools, 9722
STEM schools, state institutions of higher education, private 9723
colleges and universities, and individuals for the fee set 9724
pursuant to section ~~3353.24~~ 3333.84 of the Revised Code. The 9725
~~commission~~ chancellor shall not be responsible for the content of 9726
courses offered through the clearinghouse; however, all such 9727
courses shall be delivered only in accordance with technical 9728
specifications approved by the ~~commission~~ chancellor and on a 9729
common statewide platform administered by the chancellor. 9730

(B) To offer a course through the clearinghouse, a ~~school~~ 9731
~~district~~ course provider shall apply to the ~~commission~~ chancellor 9732
in a form and manner prescribed by the ~~commission~~ chancellor. The 9733
application for each course shall describe the course of study in 9734
as much detail as required by the ~~commission~~ chancellor, whether 9735
an instructor is provided, the qualification and credentials of 9736
the ~~teacher~~ instructor, the number of hours of instruction, ~~the~~ 9737
~~technology required to deliver and receive the course, the~~ 9738
~~technical capacity of the school district to deliver the course,~~ 9739
~~the times that the school district plans to deliver the course,~~ 9740
and any other information required by the ~~commission~~ chancellor. 9741

The ~~commission~~ chancellor may require ~~school districts~~ course providers to include in their applications information recommended by the state board of education under former section 3353.30 of the Revised Code.

(C) The ~~commission~~ chancellor shall review the technical specifications of each application submitted under division (B) of this section ~~and shall approve a course offered if the commission determines that the school district can satisfactorily deliver the course through the technology necessary for that delivery.~~ In reviewing applications, the ~~commission~~ chancellor may consult with the department of education; however, the responsibility to either approve or not approve a course for the clearinghouse belongs to the ~~commission~~ chancellor. The ~~commission~~ chancellor may request additional information from a ~~school district~~ course provider that submits an application under division (B) of this section, if the ~~commission~~ chancellor determines that such information is necessary. The ~~commission~~ chancellor may negotiate changes in the proposal to offer a course, if the ~~commission~~ chancellor determines that changes are necessary in order to approve the course.

(D) The ~~commission~~ chancellor shall catalog each course approved for the clearinghouse, through a print or electronic medium, displaying the following:

(1) Information necessary for a student and the student's parent, guardian, or custodian and the student's school district ~~or~~ community school, STEM school, college, or university to decide whether to enroll in or subscribe to the course;

(2) Instructions for enrolling in that course, including deadlines for enrollment.

(E) Any expenses related to the installation of a course into the common statewide platform shall be borne by the course

provider. 9773

(F) The chancellor may contract with an entity to perform any 9774
or all of the chancellor's duties under sections 3333.81 to 9775
3333.88 of the Revised Code. 9776

Sec. ~~3353.22~~ 3333.83. (A) A student who is enrolled in a 9777
school operated by a school district or in a community school or 9778
STEM school may enroll in a course ~~included in~~ through the 9779
clearinghouse only if both of the following conditions are 9780
satisfied: 9781

(1) The student's enrollment in the course is approved by the 9782
student's school district ~~or the student's,~~ community school, or 9783
STEM school. 9784

(2) The student's school district ~~or the student's,~~ community 9785
school, or STEM school agrees to accept for credit the grade 9786
assigned by the ~~district that is delivering the~~ course provider, 9787
if that provider is another school district, community school, or 9788
STEM school. 9789

(B) For each student enrolled in a school operated by a 9790
school district or in a community school or STEM school who is 9791
enrolling in a course provided through the clearinghouse by 9792
another school district, community school, or STEM school, the 9793
student's school district ~~or the student's,~~ community school, or 9794
STEM school shall transmit ~~the student's data verification code~~ 9795
~~and~~ the student's name to the ~~school district delivering the~~ 9796
course provider. 9797

The ~~district delivering the~~ course provider may request from 9798
the student's school district ~~or the student's,~~ community school, 9799
or STEM school other information from the student's school record. 9800
The ~~student's school~~ district or ~~the student's community~~ school 9801
shall provide the requested information only in accordance with 9802

section 3319.321 of the Revised Code. 9803

(C) The student's school district ~~or the student's~~, community 9804
school, or STEM school shall determine the manner in which and 9805
facilities at which the student shall participate in the course 9806
consistent with specifications for technology and connectivity 9807
adopted by the ~~commission~~ chancellor of the Ohio board of regents. 9808
9809

(D) A student may withdraw from a course prior to the end of 9810
the course only by a date and in a manner prescribed by the 9811
student's school district ~~or~~, community school, or STEM school. 9812

(E) A student who is enrolled in a school operated by a 9813
school district or in a community school or STEM school and who 9814
takes a course ~~included in~~ through the clearinghouse shall be 9815
counted in the formula ADM of a school district under section 9816
3317.03 of the Revised Code as if the student were taking the 9817
course from the student's school district ~~or the student's~~, 9818
community school, or STEM school. 9819

Sec. 3333.84. (A) The fee charged for any course offered 9820
through the clearinghouse shall be set by the course provider. 9821

(B) The chancellor of the Ohio board of regents shall 9822
prescribe the manner in which the fee for a course shall be 9823
collected or deducted from the school district, school, college or 9824
university, or individual subscribing to the course and in which 9825
manner the fee shall be paid to the course provider. 9826

(C) The chancellor may retain a percentage of the fee charged 9827
for a course to offset the cost of maintaining and operating the 9828
clearinghouse, including the payment of compensation for an entity 9829
or a private entity that is under contract with the chancellor 9830
under division (F) of section 3333.82 of the Revised Code. The 9831
percentage retained shall be determined by the chancellor. 9832

9833

Sec. ~~3353.26~~ 3333.85. The grade for a student ~~who enrolls in~~ 9834
enrolled in a school operated by a school district or in a 9835
community school or STEM school for a course included in provided 9836
through the clearinghouse by another school district, community 9837
school, or STEM school shall be assigned by ~~the school district~~ 9838
~~that delivers~~ the course provider and shall be transmitted ~~by that~~ 9839
~~district~~ to the student's school district ~~or the student's,~~ 9840
community school, or STEM school. 9841

Sec. ~~3353.27~~ 3333.86. The ~~eTech Ohio commission~~ chancellor of 9842
the Ohio board of regents may determine the manner in which a 9843
course included in the clearinghouse may be offered as a dual 9844
enrollment program as defined in section 3313.6013 of the Revised 9845
Code, may be offered to students who are enrolled in nonpublic 9846
schools or are instructed at home pursuant to section 3321.04 of 9847
the Revised Code, or may be offered at times outside the normal 9848
school day or school week, including any necessary additional fees 9849
and methods of payment for a course so offered. 9850

Sec. ~~3353.28~~ 3333.87. The ~~eTech Ohio commission~~ chancellor of 9851
the Ohio board of regents shall adopt rules in accordance with 9852
Chapter 119. of the Revised Code prescribing procedures for the 9853
implementation of sections ~~3353.20 to 3353.27~~ 3333.81 to 3333.86 9854
of the Revised Code. 9855

Sec. ~~3353.29~~ 3333.88. Nothing in sections ~~3353.20 to 3353.28~~ 9856
3333.81 to 3333.87 of the Revised Code, or in rules implementing 9857
those sections, shall prohibit a school district, community 9858
school, STEM school, or college or university from offering an 9859
interactive distance learning course or other distance learning 9860
course using a computer-based method through any means other than 9861

the clearinghouse established and maintained under those sections. 9862
9863

Sec. 3335.05. Before entering upon the duties of ~~his~~ office 9864
the treasurer of the Ohio state university shall give evidence of 9865
bond to the state or insurance in such sum as the board of 9866
trustees determines, ~~but not a less sum than the probable amount~~ 9867
~~that will be under his control in any one year, conditioned~~ for 9868
the faithful discharge of his official duties and the payment of 9869
all moneys coming into ~~his~~ the treasurer's hands, ~~the bond to be~~ 9870
~~approved by the attorney general.~~ Such evidence of bond or 9871
insurance shall be deposited with the secretary of state and kept 9872
in ~~his~~ the secretary of state's office. 9873

Sec. 3341.03. The board of trustees of Bowling Green state 9874
university and Kent state university, respectively, shall annually 9875
elect from their members, a president and a vice-president; and 9876
they may also appoint a secretary of the board, a treasurer, and 9877
such other officers of the university as the interests of the 9878
respective universities require, who may be members of the board. 9879
The treasurers, before entering upon the discharge of their 9880
duties, shall give bonds to the state or be insured for the 9881
faithful performance of their duties and the proper accounting for 9882
all moneys coming into their care. The amount of said bonds or 9883
insurance shall be determined by the boards, but shall not be for 9884
a less sum than the estimated amount which may come into their 9885
control at any time, less any reasonable deductible. ~~Said bonds~~ 9886
~~shall be approved by the attorney general.~~ 9887

Sec. 3343.08. The treasurer of the central state university, 9888
before entering upon the discharge of the treasurer's duties, 9889
shall give a bond to the state or be insured for the faithful 9890
performance of the treasurer's duties and the proper accounting 9891

for all moneys coming into the treasurer's care. The amount of the 9892
bond or insurance shall be determined by the board of trustees of 9893
central state university, but shall not be for a sum less than the 9894
amount that the board estimates may come into the treasurer's 9895
control at any time, less any reasonable deductible. ~~The bond~~ 9896
~~shall be approved by the attorney general.~~ 9897

Sec. 3344.02. The board of trustees of Cleveland state 9898
university shall annually elect from their members a ~~chairman~~ 9899
chairperson and a ~~vice-chairman~~ vice-chairperson; and they may 9900
also appoint a secretary of the board, a treasurer, and such other 9901
officers of the university as the interest of the university 9902
requires, who may be members of the board. The treasurer, before 9903
entering upon the discharge of ~~his~~ official duties, shall give 9904
bond to the state or be insured for the faithful performance of 9905
~~his~~ the treasurer's duties and the proper accounting for all 9906
moneys coming into ~~his~~ the treasurer's care. The amount of said 9907
bond or insurance shall be determined by the board, but shall not 9908
be for a sum less than the estimated amount which may come into 9909
~~his~~ the treasurer's control at any time, less any reasonable 9910
deductible. ~~Said bond shall be approved by the attorney general.~~ 9911

Sec. 3352.02. The board of trustees of Wright state 9912
university shall annually elect from their members a ~~chairman~~ 9913
chairperson and ~~vice-chairman~~ vice-chairperson; and they may also 9914
appoint a secretary of the board, a treasurer, and such other 9915
officers of the university as the interest of the university 9916
requires, who may be members of the board. The treasurer, before 9917
entering upon the discharge of ~~his~~ official duties, shall give 9918
bond to the state or be insured for the faithful performance of 9919
~~his~~ the treasurer's duties and the proper accounting for all 9920
moneys coming into ~~his~~ the treasurer's care. The amount of said 9921
bond or insurance shall be determined by the board, but shall not 9922

be for a sum less than the estimated amount which may come into 9923
~~his~~ the treasurer's control at any time, less any reasonable 9924
deductible. ~~Said bond shall be approved by the attorney general.~~ 9925

Sec. 3353.02. (A) There is hereby created the eTech Ohio 9926
commission as an independent agency to advance education and 9927
accelerate the learning of the citizens of this state through 9928
technology. The commission shall provide leadership and support in 9929
extending the knowledge of the citizens of this state by promoting 9930
access to and use of all forms of educational technology, 9931
including educational television and radio, radio reading 9932
services, broadband networks, videotapes, compact discs, digital 9933
video on demand (DVD), and the internet. The commission also shall 9934
administer programs to provide financial and other assistance to 9935
school districts and other educational institutions for the 9936
acquisition and utilization of educational technology. 9937

The commission is a body corporate and politic, an agency of 9938
the state performing essential governmental functions of the 9939
state. 9940

(B) The commission shall consist of thirteen members, nine of 9941
whom shall be voting members. Six of the voting members shall be 9942
representatives of the public. Of the representatives of the 9943
public, four shall be appointed by the governor with the advice 9944
and consent of the senate, one shall be appointed by the speaker 9945
of the house of representatives, and one shall be appointed by the 9946
president of the senate. The superintendent of public instruction 9947
or a designee of the superintendent, the chancellor of the Ohio 9948
board of regents or a designee of the chancellor, and the ~~director~~ 9949
~~of the office of information technology~~ state chief information 9950
officer or a designee of the ~~director~~ officer shall be ex officio 9951
voting members. Of the nonvoting members, two shall be members of 9952
the house of representatives appointed by the speaker of the house 9953

of representatives and two shall be members of the senate 9954
appointed by the president of the senate. The members appointed 9955
from each chamber shall not be members of the same political 9956
party. 9957

(C) Initial terms of office for members appointed by the 9958
governor shall be one year for one member, two years for one 9959
member, three years for one member, and four years for one member. 9960
At the first meeting of the commission, members appointed by the 9961
governor shall draw lots to determine the length of the term each 9962
member will serve. Thereafter, terms of office for members 9963
appointed by the governor shall be for four years. Terms of office 9964
for voting members appointed by the speaker of the house of 9965
representatives and the president of the senate shall be for four 9966
years. Any member who is a representative of the public may be 9967
reappointed by the member's respective appointing authority, but 9968
no such member may serve more than two consecutive four-year 9969
terms. Such a member may be removed by the member's respective 9970
appointing authority for cause. 9971

Any legislative member appointed by the speaker of the house 9972
of representatives or the president of the senate who ceases to be 9973
a member of the legislative chamber from which the member was 9974
appointed shall cease to be a member of the commission. The 9975
speaker of the house of representatives and the president of the 9976
senate may remove their respective appointments to the commission 9977
at any time. 9978

(D) Vacancies among appointed members shall be filled in the 9979
manner provided for original appointments. Any member appointed to 9980
fill a vacancy occurring prior to the expiration of the term for 9981
which the member's predecessor was appointed shall hold office for 9982
the remainder of that term. Any appointed member shall continue in 9983
office subsequent to the expiration of that member's term until 9984
the member's successor takes office or until a period of sixty 9985

days has elapsed, whichever occurs first. 9986

(E) Members of the commission shall serve without 9987
compensation. The members who are representatives of the public 9988
shall be reimbursed, pursuant to office of budget and management 9989
guidelines, for actual and necessary expenses incurred in the 9990
performance of official duties. 9991

(F) The governor shall appoint the chairperson of the 9992
commission from among the commission's voting members. The 9993
chairperson shall serve a term of two years and may be 9994
reappointed. The commission shall elect other officers as 9995
necessary from among its voting members and shall prescribe its 9996
rules of procedure. 9997

(G) The commission shall establish advisory groups as needed 9998
to address topics of interest and to provide guidance to the 9999
commission regarding educational technology issues and the 10000
technology needs of educators, learners, and the public. Members 10001
of each advisory group shall be appointed by the commission and 10002
shall include representatives of individuals or organizations with 10003
an interest in the topic addressed by the advisory group. 10004

Sec. 3354.16. (A) When the board of trustees of a community 10005
college district has by resolution determined to let by contract 10006
the work of improvements pursuant to the official plan of such 10007
district, contracts in amounts exceeding a dollar amount set by 10008
the board, which dollar amount shall not exceed fifty thousand 10009
dollars, shall be advertised after notices calling for bids have 10010
been published once a week for three consecutive weeks, in at 10011
least one newspaper of general circulation within the community 10012
college district wherein the work is to be done. Subject to 10013
section 3354.10 of the Revised Code, the board of trustees of the 10014
district may let such contract to the lowest responsive and 10015
responsible bidder, in accordance with section 9.312 of the 10016

Revised Code, who meets the requirements of section 153.54 of the Revised Code. Such contract shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done. Such contract shall be approved by the board of trustees and signed by the president of the board and by the contractor.

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

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

of trustees need not solicit separate proposals for a branch or 10049
class of work for an improvement if the estimate cost for that 10050
branch or class of work is less than five thousand dollars. 10051

(D) When more than one branch or class of work is required, 10052
no contract for the entire job, or for a greater portion thereof 10053
than is embraced in one such branch or class of work shall be 10054
awarded, unless the separate bids do not cover all the work and 10055
materials required or the bids for the whole or for two or more 10056
kinds of work or materials are lower than the separate bids in the 10057
aggregate. The board of trustees need not award separate contracts 10058
for a branch or class of work entering into an improvement if the 10059
estimated cost for that branch or class of work is less than five 10060
thousand dollars. 10061

Sec. 3355.12. (A) When the managing authority of the 10062
university branch district has determined to let by contract the 10063
work of improvements, contracts in amounts exceeding a dollar 10064
amount set by the managing authority, which dollar amount shall 10065
not exceed fifty thousand dollars, shall be advertised after 10066
notices calling for bids have been published once a week for three 10067
consecutive weeks, in at least one newspaper of general 10068
circulation within the university branch district wherein the work 10069
is to be done. Such managing authority may let such contract to 10070
the lowest responsive and responsible bidder, in accordance with 10071
section 9.312 of the Revised Code, who meets the requirements of 10072
section 153.54 of the Revised Code. Such contract shall be in 10073
writing and shall be accompanied by or shall refer to plans and 10074
specifications for the work to be done. Such contract shall be 10075
approved by the managing authority of the university branch 10076
district and signed by the chairperson or vice-chairperson of the 10077
managing authority and by the contractor. 10078

(B) On the first day of January of every even-numbered year, 10079

the chancellor of the board of regents shall adjust the fifty 10080
thousand dollar contract limit set forth in division (A) of this 10081
section, as adjusted in any previous year pursuant to this 10082
division. The chancellor shall adjust the limit according to the 10083
average increase or decrease for each of the two years immediately 10084
preceding the adjustment as set forth in the United States 10085
department of commerce, bureau of ~~the census~~ economic analysis 10086
implicit price deflator for construction gross domestic product, 10087
nonresidential structures, or an alternative if the federal 10088
government ceases to publish this metric, provided that no 10089
increase or decrease for any year shall exceed three per cent of 10090
the contract limit in existence at the time of the adjustment. 10091
Notwithstanding division (A) of this section, the limit adjusted 10092
under this division shall be used thereafter in lieu of the limit 10093
in division (A) of this section. 10094

(C) Before entering into an improvement pursuant to division 10095
(A) of this section, the managing authority of the university 10096
branch district shall require separate and distinct proposals to 10097
be made for furnishing materials or doing work on the improvement, 10098
or both, in the board's discretion, for each separate and distinct 10099
branch or class of work entering into the improvement. The 10100
managing authority also may require a single, combined proposal 10101
for the entire project for materials or doing work, or both, in 10102
the board's discretion, that includes each separate and distinct 10103
branch or class of work entering into the improvement. The 10104
managing authority need not solicit separate proposals for a 10105
branch or class of work for an improvement if the estimate cost 10106
for that branch or class of work is less than five thousand 10107
dollars. 10108

(D) When more than one branch or class of work is required, 10109
no contract for the entire job, or for a greater portion thereof 10110
than is embraced in one such branch or class of work shall be 10111

awarded, unless the separate bids do not cover all the work and 10112
materials required or the bids for the whole or for two or more 10113
kinds of work or materials are lower than the separate bids in the 10114
aggregate. The managing authority need not award separate 10115
contracts for a branch or class of work entering into an 10116
improvement if the estimated cost for that branch or class of work 10117
is less than five thousand dollars. 10118

Sec. 3356.02. The board of trustees of Youngstown state 10119
university shall annually elect from their members a ~~chairman~~ 10120
chairperson and a ~~vice-chairman~~ vice-chairperson; and they may 10121
also appoint a secretary of the board, a treasurer, and such other 10122
officers of the university as the interest of the university 10123
requires, who may be members of the board. The treasurer, before 10124
entering upon the discharge of ~~his~~ official duties, shall give 10125
bond to the state or be insured for faithful performance of ~~his~~ 10126
the treasurer's duties and the proper accounting for all moneys 10127
coming into ~~his~~ the treasurer's care. The amount of said bond or 10128
insurance shall be determined by the board, but shall not be for a 10129
sum less than the estimated amount which may come into ~~his~~ the 10130
treasurer's control at any time, less any reasonable deductible. 10131
~~Said bond shall be approved by the attorney general.~~ 10132

Sec. 3357.16. (A) When the board of trustees of a technical 10133
college district has by resolution determined to let by contract 10134
the work of improvements pursuant to the official plan of such 10135
district, contracts in amounts exceeding a dollar amount set by 10136
the board, which dollar amount shall not exceed fifty thousand 10137
dollars, shall be advertised after notice calling for bids has 10138
been published once a week for three consecutive weeks, in at 10139
least one newspaper of general circulation within the technical 10140
college district where the work is to be done. The board of 10141
trustees of the technical college district may let such contract 10142

to the lowest responsive and responsible bidder, in accordance 10143
with section 9.312 of the Revised Code, who meets the requirements 10144
of section 153.54 of the Revised Code. Such contract shall be in 10145
writing and shall be accompanied by or shall refer to plans and 10146
specifications for the work to be done. Such contract shall be 10147
approved by the board of trustees and signed by the president of 10148
the board and by the contractor. 10149

(B) On the first day of January of every even-numbered year, 10150
the chancellor of the board of regents shall adjust the fifty 10151
thousand dollar contract limit set forth in division (A) of this 10152
section, as adjusted in any previous year pursuant to this 10153
division. The chancellor shall adjust the limit according to the 10154
average increase or decrease for each of the two years immediately 10155
preceding the adjustment as set forth in the United States 10156
department of commerce, bureau of ~~the census~~ economic analysis 10157
implicit price deflator for construction gross domestic product, 10158
nonresidential structures, or an alternative if the federal 10159
government ceases to publish this metric, provided that no 10160
increase or decrease for any year shall exceed three per cent of 10161
the contract limit in existence at the time of the adjustment. 10162
Notwithstanding division (A) of this section, the limit adjusted 10163
under this division shall be used thereafter in lieu of the limit 10164
in division (A) of this section. 10165

(C) Before entering into an improvement pursuant to division 10166
(A) of this section, the board of trustees of a technical college 10167
district shall require separate and distinct proposals to be made 10168
for furnishing materials or doing work on the improvement, or 10169
both, in the board's discretion, for each separate and distinct 10170
branch or class of work entering into the improvement. The board 10171
of trustees also may require a single, combined proposal for the 10172
entire project for materials or doing work, or both, in the 10173
board's discretion, that includes each separate and distinct 10174

branch or class of work entering into the improvement. The board 10175
of trustees need not solicit separate proposals for a branch or 10176
class of work for an improvement if the estimate cost for that 10177
branch or class of work is less than five thousand dollars. 10178

(D) When more than one branch or class of work is required, 10179
no contract for the entire job, or for a greater portion thereof 10180
than is embraced in one such branch or class of work shall be 10181
awarded, unless the separate bids do not cover all the work and 10182
materials required or the bids for the whole or for two or more 10183
kinds of work or materials are lower than the separate bids in the 10184
aggregate. The board of trustees need not award separate contracts 10185
for a branch or class of work entering into an improvement if the 10186
estimated cost for that branch or class of work is less than five 10187
thousand dollars. 10188

Sec. 3359.02. The board of trustees of the university of 10189
Akron shall annually elect from their members a ~~chairman~~ 10190
chairperson and a ~~vice-chairman~~ vice-chairperson; and they may 10191
also appoint a secretary of the board, a treasurer, and such other 10192
officers of the university as the interest of the university 10193
requires, who may be members of the board. The treasurer, before 10194
entering upon the discharge of ~~his~~ official duties, shall give 10195
bond to the state or be insured for the faithful performance of 10196
~~his~~ the treasurer's duties and the proper accounting for all 10197
moneys coming into ~~his~~ the treasurer's care. The amount of said 10198
bonds or insurance shall be determined by the board, but shall not 10199
be for a sum less than the estimated amount which may come into 10200
~~his~~ the treasurer's control at any time, less any reasonable 10201
deductible. ~~Said bond shall be approved by the attorney general.~~ 10202

Sec. 3361.02. The board of trustees of the university of 10203
Cincinnati shall annually elect from their members a ~~chairman~~ 10204
chairperson and a ~~vice-chairman~~ vice-chairperson, and they may 10205

also appoint a secretary of the board, a treasurer, and such other 10206
officers of the university as the interests of the university 10207
require, who may be members of the board. The treasurer, before 10208
entering upon the discharge of ~~his~~ official duties, shall give 10209
bond to the state or be insured for the faithful performance of 10210
~~his~~ the treasurer's duties and the proper accounting for all 10211
moneys coming into ~~his~~ the treasurer's care. The amount of said 10212
bond or insurance shall be determined by the board, but shall not 10213
be for a sum less than the estimated amount which may come into 10214
~~his~~ the treasurer's control at any time, less any reasonable 10215
deductible. ~~Said bond shall be approved by the attorney general.~~ 10216

Sec. 3364.02. The board of trustees of the university of 10217
Toledo annually shall elect from among its members a chairperson 10218
and a vice-chairperson, and also may appoint a secretary of the 10219
board, a treasurer, and such other officers of the university as 10220
the interest of the university requires, who may be members of the 10221
board. The treasurer, before entering upon the discharge of 10222
official duties, shall give bond to the state or be insured for 10223
the faithful performance of the treasurer's duties and the proper 10224
accounting for all moneys coming into the treasurer's care. The 10225
amount of that bond or insurance shall be determined by the board, 10226
but shall not be for a sum less than the estimated amount which 10227
may come into the treasurer's control at any time, less any 10228
reasonable deductible. 10229

Sec. 3365.15. The program known as "seniors to sophomores," 10230
or any successor name, shall permit nonpublic school students to 10231
participate. 10232

Sec. 3702.71. As used in sections 3702.71 to 3702.81 of the 10233
Revised Code: 10234

(A) "Primary care physician" means an individual who is 10235

authorized under Chapter 4731. of the Revised Code to practice 10236
medicine and surgery or osteopathic medicine and surgery and is 10237
board certified or board eligible in a primary care specialty. 10238

(B) "Primary care service" means professional comprehensive 10239
personal health services, which may include health education and 10240
disease prevention, treatment of uncomplicated health problems, 10241
diagnosis of chronic health problems, overall management of health 10242
care services for an individual or a family, and the services of a 10243
psychiatrist. "Primary care service" also includes providing the 10244
initial contact for health care services and making referrals for 10245
secondary and tertiary care and for continuity of health care 10246
services. 10247

(C) "Primary care specialty" means general internal medicine, 10248
pediatrics, adolescent medicine, obstetrics and gynecology, 10249
psychiatry, child and adolescent psychiatry, geriatric psychiatry, 10250
combined internal medicine and pediatrics, geriatrics, or family 10251
practice. 10252

Sec. 3702.72. (A) A primary care physician who will not have 10253
an outstanding obligation for medical service to the federal 10254
government, a state, or other entity at the time of participation 10255
in the physician loan repayment program and meets one of the 10256
following requirements may apply for participation in the 10257
physician loan repayment program: 10258

(1) The primary care physician is enrolled in the final year 10259
of an accredited program required for board certification in a 10260
primary care specialty. 10261

(2) The primary care physician is enrolled in the final year 10262
of a fellowship program in a primary care specialty. 10263

(3) The primary care physician holds a valid certificate to 10264
practice medicine and surgery or osteopathic medicine and surgery 10265

issued under Chapter 4731. of the Revised Code. 10266

(B) An application for participation in the physician loan 10267
repayment program shall be submitted to the director of health on 10268
a form that the director shall prescribe. The information required 10269
to be submitted with an application includes the following: 10270

(1) The applicant's name, permanent address or address at 10271
which the applicant is currently residing if different from the 10272
permanent address, and telephone number; 10273

(2) The applicant's primary care specialty or specialties; 10274

(3) The medical school or osteopathic medical school the 10275
applicant attended, the dates of attendance, and verification of 10276
attendance; 10277

(4) The facility or institution where the applicant's medical 10278
residency program was completed or is being performed, and, if 10279
completed, the date of completion; 10280

(5) If applicable, the facility or institution where the 10281
applicant's fellowship was completed or is being performed, and, 10282
if completed, the date of completion; 10283

(6) A summary and verification of the educational expenses 10284
for which the applicant seeks reimbursement under the program; 10285

~~(6)~~(7) Verification of the applicant's authorization under 10286
Chapter 4731. of the Revised Code to practice medicine and surgery 10287
or osteopathic medicine and surgery; 10288

~~(7)~~(8) Verification of the applicant's United States 10289
citizenship or status as a legal alien. 10290

Sec. 3702.73. If funds are available in the physician loan 10291
repayment fund created under section 3702.78 of the Revised Code 10292
and the general assembly has appropriated funds for the physician 10293
loan repayment program, the director of health shall approve an 10294

applicant for participation in the program if the director finds 10295
that, in accordance with the priorities established under section 10296
3702.77 of the Revised Code, the applicant is eligible for 10297
participation in the program and the applicant's primary care 10298
specialty is needed in a health resource shortage area. 10299

Upon approval, the director shall notify and enter into 10300
discussions with the applicant. The object of the discussions is 10301
to facilitate the recruitment of the applicant to a site within a 10302
health resource shortage area at which, according to the 10303
priorities established under section 3702.77 of the Revised Code, 10304
the applicant's primary care specialty is most needed. 10305

If the director and applicant agree on the applicant's 10306
placement at a particular site within a health resource shortage 10307
area, the applicant shall prepare, sign, and deliver to the 10308
director a letter of intent agreeing to that placement. 10309

Sec. 3702.74. (A) A primary care physician who has signed a 10310
letter of intent under section 3702.73 of the Revised Code, and 10311
the director of health, ~~and the Ohio board of regents~~ may enter 10312
into a contract for the physician's participation in the physician 10313
loan repayment program. ~~A lending institution~~ The physician's 10314
employer or other funding source may also be a party to the 10315
contract. 10316

(B) The contract shall include all of the following 10317
obligations: 10318

(1) The primary care physician agrees to provide primary care 10319
services in the health resource shortage area identified in the 10320
letter of intent for at least two years ~~or one year per twenty~~ 10321
~~thousand dollars of repayment agreed to under division (B)(3) of~~ 10322
~~this section, whichever is greater;~~ 10323

(2) When providing primary care services in the health 10324

resource shortage area, the primary care physician agrees to do 10325
all of the following: 10326

(a) Provide primary care services for a minimum of forty 10327
hours per week, of which at least twenty-one hours will be spent 10328
providing patient care in an outpatient or ambulatory setting; 10329

(b) Provide primary care services without regard to a 10330
patient's ability to pay; 10331

(c) Meet the conditions prescribed by the "Social Security 10332
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the 10333
department of job and family services for participation in the 10334
~~medical assistance~~ medicaid program established under Chapter 10335
5111. of the Revised Code and enter into a contract with the 10336
department to provide primary care services to recipients of the 10337
medical assistance program; 10338

(d) Meet the conditions established by the department of job 10339
and family services for participation in the disability medical 10340
assistance program established under Chapter 5115. of the Revised 10341
Code and enter into a contract with the department to provide 10342
primary care services to recipients of disability medical 10343
assistance. 10344

(3) The ~~Ohio board of regents~~ department of health agrees, as 10345
provided in section 3702.75 of the Revised Code, to repay, so long 10346
as the primary care physician performs the service obligation 10347
agreed to under division (B)(1) of this section, all or part of 10348
the principal and interest of a government or other educational 10349
loan taken by the primary care physician for expenses described in 10350
section 3702.75 of the Revised Code; 10351

(4) The primary care physician agrees to pay the ~~board~~ department of health 10352
~~the following as damages~~ an amount established by 10353
rules adopted under section 3702.79 of the Revised Code if the 10354
physician fails to complete the service obligation agreed to under 10355

division (B)(1) of this section+ 10356

~~(a) If the failure occurs during the first two years of the 10357
service obligation, three times the total amount the board has 10358
agreed to repay under division (B)(3) of this section: 10359~~

~~(b) If the failure occurs after the first two years of the 10360
service obligation, three times the amount the board is still 10361
obligated to repay under division (B)(3) of this section. 10362~~

(C) The contract may include any other terms agreed upon by 10363
the parties, ~~including an assignment to the Ohio board of regents 10364
of the physician's duty to pay the principal and interest of a 10365
government or other educational loan taken by the physician for 10366
expenses described in section 3702.75 of the Revised Code. If the 10367
board assumes the physician's duty to pay a loan, the contract 10368
shall set forth the total amount of principal and interest to be 10369
paid, an amortization schedule, and the amount of each payment to 10370
be made under the schedule. 10371~~

Sec. 3702.75. There is hereby created the physician loan 10372
repayment program. Under the program, the ~~Ohio board of regents 10373
department of health~~, by means of a contract provision under 10374
division (B)(3) of section 3702.74 of the Revised Code, may agree 10375
to repay all or part of the principal and interest of a government 10376
or other educational loan taken by a primary care physician for 10377
the following expenses, so long as the expenses were incurred 10378
while the physician was enrolled in, for up to a maximum of four 10379
years, a medical school or osteopathic medical school in the 10380
United States that was, during the time enrolled, accredited by 10381
the liaison committee on medical education or the American 10382
osteopathic association, or a medical school or osteopathic 10383
medical school located outside the United States that was, during 10384
the time enrolled, acknowledged by the world health organization 10385
and verified by a member state of that organization as operating 10386

within the state's jurisdiction: 10387

(A) Tuition; 10388

(B) Other educational expenses, such as fees, books, and 10389
laboratory expenses, for specific purposes and in amounts 10390
determined to be reasonable by the director of health; 10391

(C) Room and board, in an amount determined reasonable by the 10392
director of health. 10393

~~No~~ In the first and second years, no repayment shall exceed 10394
~~twenty~~ twenty-five thousand dollars in ~~any~~ each year. In the third 10395
and fourth years, no repayment shall exceed thirty-five thousand 10396
dollars in each year. If, however, a repayment results in an 10397
increase in the primary care physician's federal, state, or local 10398
income tax liability, ~~the Ohio board of regents,~~ at the 10399
physician's request ~~and with the approval of the director of~~ 10400
~~health,~~ the department may reimburse the physician for the 10401
increased tax liability, regardless of the amount of the repayment 10402
made to the physician in that year. 10403

Not later than the thirty-first day of January each year, the 10404
~~Ohio board of regents~~ department shall mail to each physician to 10405
whom or on whose behalf repayment is made under this section a 10406
statement showing the amount ~~of principal and interest~~ repaid by 10407
the ~~board~~ department pursuant to the contract in the preceding 10408
year. The statement shall be sent by ordinary mail with address 10409
correction and forwarding requested in the manner prescribed by 10410
the United States postal service. 10411

Sec. 3702.78. The director of health may accept gifts of 10412
money from any source for the implementation and administration of 10413
sections 3702.72 to 3702.77 of the Revised Code. ~~The Ohio board of~~ 10414
~~regents may accept gifts of money from any source for~~ 10415
~~implementation and administration of the physician loan repayment~~ 10416

~~program under sections 3702.74 and 3702.75 of the Revised Code.~~ 10417

The director shall pay all gifts accepted under this section 10418
into the state treasury, to the credit of the health resource 10419
shortage area fund, which is hereby created. ~~The board shall pay,~~ 10420
~~and all gifts accepted under this section, and~~ damages collected 10421
under division (B)(4) of section 3702.74 of the Revised Code, into 10422
the state treasury, to the credit of the physician loan repayment 10423
fund, which is hereby created. 10424

The director shall use the health resource shortage area ~~fund~~ 10425
~~and the physician loan repayment funds~~ for the implementation and 10426
administration of sections 3702.72 to 3702.77 of the Revised Code. 10427
~~The board shall use the physician loan repayment fund for the~~ 10428
~~implementation and administration of the physician loan repayment~~ 10429
~~program under sections 3702.74 and 3702.75 of the Revised Code.~~ 10430

Sec. 3702.79. The director of health, in accordance with 10431
Chapter 119. of the Revised Code, shall adopt rules as necessary 10432
to implement and administer sections 3702.71 to 3702.78 of the 10433
Revised Code. In preparing rules, the director shall consult with 10434
~~the Ohio board of regents and~~ the physician loan repayment 10435
advisory board. 10436

Sec. 3702.81. There is hereby created the physician loan 10437
repayment advisory board. The board shall consist of ~~eleven~~ ten 10438
members as follows: 10439

(A) The following ~~six~~ five members appointed by the governor: 10440
a representative of ~~the department of health, a representative of~~ 10441
the Ohio academy of family practice, a representative of the board 10442
of regents, a representative of the Ohio association of community 10443
health centers, a representative of the Ohio state medical 10444
association, and a representative of the Ohio osteopathic 10445
association; 10446

(B) Two members of the house of representatives, one from 10447
each political party, appointed by the speaker of the house of 10448
representatives; 10449

(C) Two members of the senate, one from each political party, 10450
appointed by the president of the senate. 10451

(D) The director of health or an employee of the department 10452
of health designated by the director. 10453

Of the initial appointments made by the governor, three shall 10454
be for terms ending June 30, 1994, and four shall be for terms 10455
ending June 30, 1995. Of the initial appointments made by the 10456
speaker of the house of representatives, one shall be for a term 10457
ending June 30, 1994, and one shall be for a term ending June 30, 10458
1995. Of the initial appointments made by the president of the 10459
senate, one shall be for a term ending June 30, 1994, and one 10460
shall be for a term ending June 30, 1995. Thereafter, terms of 10461
office shall be two years, commencing on the first day of July and 10462
ending on the thirtieth day of June. Each member shall hold office 10463
from the date of appointment until the end of the term for which 10464
the member was appointed, except that a legislative member ceases 10465
to be a member of the board upon ceasing to be a member of the 10466
general assembly. 10467

Vacancies shall be filled in the manner prescribed for the 10468
original appointment. A member appointed to fill a vacancy 10469
occurring prior to the expiration of the term for which the 10470
member's predecessor was appointed shall hold office for the 10471
remainder of that term. A member shall continue in office 10472
subsequent to the expiration of the member's term until a 10473
successor takes office or until sixty days have elapsed, whichever 10474
occurs first. No person shall be appointed to the board for more 10475
than two consecutive terms. 10476

The governor, speaker, ~~or~~ president, or director may remove a 10477

member for whom the governor, speaker, ~~or~~ president, or director 10478
was the appointing authority, for misfeasance, malfeasance, or 10479
willful neglect of duty. 10480

The ~~governor board~~ shall designate a member ~~of the board~~ to 10481
serve as chairperson of the board. 10482

The board shall meet at least once annually. The chairperson 10483
shall call special meetings as needed or upon the request of six 10484
members. 10485

Six members of the board constitute a quorum to transact and 10486
vote on all business coming before the board. 10487

Members of the board shall serve without compensation. 10488

The department of health shall provide the board with staff 10489
assistance as requested by the board. 10490

Sec. 3702.85. There is hereby created the dentist loan 10491
repayment program, which shall be administered by the department 10492
of health in cooperation with ~~the board of regents and~~ the dentist 10493
loan repayment advisory board. The program shall provide loan 10494
repayment on behalf of individuals who agree to provide dental 10495
services in areas designated as dental health resource shortage 10496
areas by the director of health pursuant to section 3702.87 of the 10497
Revised Code. 10498

Under the program, the ~~Ohio board~~ department of regents 10499
health, by means of a contract entered into under section 3702.91 10500
of the Revised Code, may agree to repay all or part of the 10501
principal and interest of a government or other educational loan 10502
taken by an individual for the following expenses incurred while 10503
the individual was enrolled in an accredited dental college or a 10504
dental college located outside of the United States that meets the 10505
standards of section 4715.11 of the Revised Code: 10506

(A) Tuition; 10507

(B) Other educational expenses, such as fees, books, and 10508
laboratory expenses that are for purposes and in amounts 10509
determined reasonable by the director of health; 10510

(C) Room and board, in an amount determined reasonable by the 10511
director of health. 10512

Sec. 3702.86. The director of health, in accordance with 10513
Chapter 119. of the Revised Code, shall adopt rules as necessary 10514
to implement and administer sections 3702.85 to 3702.95 of the 10515
Revised Code. In preparing rules, the director shall consult with 10516
~~the Ohio board of regents and~~ the dentist loan repayment advisory 10517
board. 10518

Sec. 3702.91. (A) An individual who has signed a letter of 10519
intent under section 3702.90 of the Revised Code may enter into a 10520
contract with the director of health ~~and the Ohio board of regents~~ 10521
for participation in the dentist loan repayment program. A lending 10522
institution may also be a party to the contract. 10523

(B) The contract shall include all of the following 10524
obligations: 10525

(1) The individual agrees to provide dental services in the 10526
dental health resource shortage area identified in the letter of 10527
intent for at least one year. 10528

(2) When providing dental services in the dental health 10529
resource shortage area, the individual agrees to do all of the 10530
following: 10531

(a) Provide dental services for a minimum of forty hours per 10532
week; 10533

(b) Provide dental services without regard to a patient's 10534
ability to pay; 10535

(c) Meet the conditions prescribed by the "Social Security 10536

Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the 10537
department of job and family services for participation in the 10538
medicaid program established under Chapter 5111. of the Revised 10539
Code and enter into a contract with the department to provide 10540
dental services to medicaid recipients. 10541

(3) The ~~Ohio board of regents~~ department of health agrees, as 10542
provided in section 3702.85 of the Revised Code, to repay, so long 10543
as the individual performs the service obligation agreed to under 10544
division (B)(1) of this section, all or part of the principal and 10545
interest of a government or other educational loan taken by the 10546
individual for expenses described in section 3702.85 of the 10547
Revised Code up to but not exceeding twenty thousand dollars per 10548
year of service. 10549

(4) The individual agrees to pay the ~~board~~ department of 10550
health the following as damages if the individual fails to 10551
complete the service obligation agreed to under division (B)(1) of 10552
this section: 10553

(a) If the failure occurs during the first two years of the 10554
service obligation, three times the total amount the ~~board~~ 10555
department has agreed to repay under division (B)(3) of this 10556
section; 10557

(b) If the failure occurs after the first two years of the 10558
service obligation, three times the amount the ~~board~~ department is 10559
still obligated to repay under division (B)(3) of this section. 10560

(C) The contract may include any other terms agreed upon by 10561
the parties, including an assignment to the ~~Ohio board of regents~~ 10562
department of health of the individual's duty to pay the principal 10563
and interest of a government or other educational loan taken by 10564
the individual for expenses described in section 3702.85 of the 10565
Revised Code. If the ~~board~~ department assumes the individual's 10566
duty to pay a loan, the contract shall set forth the total amount 10567

of principal and interest to be paid, an amortization schedule, 10568
and the amount of each payment to be made under the schedule. 10569

(D) Not later than the thirty-first day of January of each 10570
year, the ~~Ohio board of regents~~ department of health shall mail to 10571
each individual to whom or on whose behalf repayment is made under 10572
the dentist loan repayment program a statement showing the amount 10573
of principal and interest repaid by the ~~board~~ department pursuant 10574
to the contract in the preceding year. The statement shall be sent 10575
by ordinary mail with address correction and forwarding requested 10576
in the manner prescribed by the United States postal service. 10577

Sec. 3702.93. The dentist loan repayment advisory board shall 10578
determine the amounts that will be paid as loan repayments on 10579
behalf of participants in the dentist loan repayment program. No 10580
repayment shall exceed twenty thousand dollars in any year, except 10581
that if a repayment results in an increase in the participant's 10582
federal, state, or local income tax liability, the ~~Ohio board of~~ 10583
~~regents~~ department of health, at the participant's request and 10584
with the approval of the director of health, may reimburse the 10585
participant for the increased tax liability, regardless of the 10586
amount of the repayment in that year. Total repayment on behalf of 10587
a participant shall not exceed eighty thousand dollars over the 10588
time of participation in the program. 10589

Sec. 3702.95. The director of health may accept gifts of 10590
money from any source for the implementation and administration of 10591
sections 3702.85 to 3702.93 of the Revised Code. ~~The Ohio board of~~ 10592
~~regents may accept gifts of money from any source for~~ 10593
~~implementation and administration of the dentist loan repayment~~ 10594
~~program under sections 3702.85 and 3702.91 of the Revised Code.~~ 10595

The director shall pay all gifts accepted under this section 10596
into the state treasury, to the credit of the dental health 10597

resource shortage area fund, which is hereby created. ~~The board~~ 10598
~~shall pay, and all gifts accepted under this section, and~~ 10599
damages collected under division (B)(4) of section 3702.91 of the Revised 10600
Code, into the state treasury, to the credit of the dentist loan 10601
repayment fund, which is hereby created. 10602

The director shall use the dental health resource shortage 10603
area ~~fund~~ and dentist loan repayment funds for the implementation 10604
and administration of sections 3702.85 and ~~3702.87 to 3702.93 to~~ 10605
3702.95 of the Revised Code. ~~The board shall use the dentist loan~~ 10606
~~repayment fund for the implementation and administration of the~~ 10607
~~dentist loan repayment program under sections 3702.85 and 3702.91~~ 10608
~~of the Revised Code.~~ 10609

Sec. 3703.01. (A) Except as otherwise provided in this 10610
section, the division of industrial compliance in the department 10611
of commerce shall do all of the following: 10612

(1) Inspect all nonresidential buildings within the meaning 10613
of section 3781.06 of the Revised Code; 10614

(2) Condemn all unsanitary or defective plumbing that is 10615
found in connection with those places; 10616

(3) Order changes in plumbing necessary to insure the safety 10617
of the public health. 10618

(B)(1)(a) The division of industrial compliance, boards of 10619
health of city and general health districts, and county building 10620
departments shall not inspect plumbing or collect fees for 10621
inspecting plumbing in particular types of buildings in any 10622
municipal corporation that is certified by the board of building 10623
standards under section 3781.10 of the Revised Code to exercise 10624
enforcement authority for plumbing in those types of buildings. 10625

(b) The division shall not inspect plumbing or collect fees 10626
for inspecting plumbing in particular types of buildings in any 10627

health district that employs one or more plumbing inspectors 10628
certified pursuant to division (D) of this section to enforce 10629
Chapters 3781. and 3791. of the Revised Code and the rules adopted 10630
pursuant to those chapters relating to plumbing in those types of 10631
buildings. 10632

(c) 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 county building department is authorized 10635
to inspect those types of buildings pursuant to a contract 10636
described in division (C)(1) of this section. 10637

(d) The division shall not inspect plumbing or collect fees 10638
for inspecting plumbing in particular types of buildings in any 10639
health district where the board of health has entered into a 10640
contract with the board of health of another district to conduct 10641
inspections pursuant to division (C)(2) of this section. 10642

(2) No county building department shall inspect plumbing or 10643
collect fees for inspecting plumbing in any type of building in a 10644
health district unless the department is authorized to inspect 10645
that type of building pursuant to a contract described in division 10646
(C)(1) of this section. 10647

(3) No municipal corporation shall inspect plumbing or 10648
collect fees for inspecting plumbing in types of buildings for 10649
which it is not certified by the board of building standards under 10650
section 3781.10 of the Revised Code to exercise enforcement 10651
authority. 10652

(4) No board of health of a health district shall inspect 10653
plumbing or collect fees for inspecting plumbing in types of 10654
buildings for which it does not have a plumbing inspector 10655
certified pursuant to division (D) of this section. 10656

(C)(1) The board of health of a health district may enter 10657
into a contract with a board of county commissioners to authorize 10658

the county building department to inspect plumbing in buildings 10659
within the health district. The contract may designate that the 10660
department inspect either residential or nonresidential buildings, 10661
as those terms are defined in section 3781.06 of the Revised Code, 10662
or both types of buildings, so long as the department employs or 10663
contracts with a plumbing inspector certified pursuant to division 10664
(D) of this section to inspect the types of buildings the contract 10665
designates. The board of health may enter into a contract 10666
regardless of whether the health district employs any certified 10667
plumbing inspectors to enforce Chapters 3781. and 3791. of the 10668
Revised Code. 10669

(2) The board of health of a health district, regardless of 10670
whether it employs any certified plumbing inspectors to enforce 10671
Chapters 3781. and 3791. of the Revised Code, may enter into a 10672
contract with the board of health of another health district to 10673
authorize that board to inspect plumbing in buildings within the 10674
contracting board's district. The contract may designate the 10675
inspection of either residential or nonresidential buildings as 10676
defined in section 3781.06 of the Revised Code, or both types of 10677
buildings, so long as the board that performs the inspections 10678
employs a plumbing inspector certified pursuant to division (D) of 10679
this section to inspect the types of buildings the contract 10680
designates. 10681

(D) The superintendent of industrial compliance shall adopt 10682
rules prescribing minimum qualifications based on education, 10683
training, experience, or demonstrated ability, that the 10684
superintendent shall use in certifying or recertifying plumbing 10685
inspectors to do plumbing inspections for health districts and 10686
county building departments that are authorized to perform 10687
inspections pursuant to a contract under division (C)(1) of this 10688
section, and for continuing education of plumbing inspectors. 10689
Those minimum qualifications shall be related to the types of 10690

buildings for which a person seeks certification. 10691

(E) The superintendent may enter into reciprocal 10692
registration, licensure, or certification agreements with other 10693
states and other agencies of this state relative to plumbing 10694
inspectors if both of the following apply: 10695

(1) The requirements for registration, licensure, or 10696
certification of plumbing inspectors under the laws of the other 10697
state or laws administered by the other agency are substantially 10698
equal to the requirements the superintendent adopts under division 10699
(D) of this section for certifying plumbing inspectors. 10700

(2) The other state or agency extends similar reciprocity to 10701
persons certified under this chapter. 10702

(F) The superintendent may select and contract with one or 10703
more persons to do all of the following regarding examinations for 10704
certification of plumbing inspectors: 10705

(1) Prepare, administer, score, and maintain the 10706
confidentiality of the examination; 10707

(2) Maintain responsibility for all expenses required to 10708
comply with division (F)(1) of this section; 10709

(3) Charge each applicant a fee for administering the 10710
examination in an amount the superintendent authorizes; 10711

(4) Design the examination for certification of plumbing 10712
inspectors to determine an applicant's competence to inspect 10713
plumbing. 10714

(G) Standards and methods prescribed in local plumbing 10715
regulations shall not be less than those prescribed in Chapters 10716
3781. and 3791. of the Revised Code and the rules adopted pursuant 10717
to those chapters. 10718

(H) Notwithstanding any other provision of this section, the 10719
division shall make a plumbing inspection of any building or other 10720

place that there is reason to believe is in a condition to be a 10721
menace to the public health. 10722

~~Sec. 3734.821. Beginning on the effective date of this~~ 10723
~~section~~ Beginning on the effective date of this amendment and 10724
ending on June 30, 2011, at least sixty-five per cent of the 10725
moneys collected under division (A)(2) of section 3734.901 of the 10726
Revised Code and deposited in the state treasury to the credit of 10727
the scrap tire management fund created in section 3734.82 of the 10728
Revised Code shall be expended for clean-up and removal activities 10729
at the ~~Kirby Goss~~ tire site in Wyandot Muskingum county or other 10730
tire sites in the state. 10731

Sec. 3735.67. (A) The owner of real property located in a 10732
community reinvestment area and eligible for exemption from 10733
taxation under a resolution adopted pursuant to section 3735.66 of 10734
the Revised Code may file an application for an exemption from 10735
real property taxation of a percentage of the assessed valuation 10736
of a new structure or remodeling, completed after the effective 10737
date of the resolution adopted pursuant to section 3735.66 of the 10738
Revised Code, with the housing officer designated pursuant to 10739
section 3735.66 of the Revised Code for the community reinvestment 10740
area in which the property is located. If any part of the new 10741
structure or remodeling that would be exempted is of real property 10742
to be used for commercial or industrial purposes, the legislative 10743
authority and the owner of the property shall enter into a written 10744
agreement pursuant to section 3735.671 of the Revised Code prior 10745
to commencement of construction or remodeling; if such an 10746
agreement is subject to approval by the board of education of the 10747
school district within the territory of which the property is or 10748
will be located, the agreement shall not be formally approved by 10749
the legislative authority until the board of education approves 10750
the agreement in the manner prescribed by that section. 10751

(B) The housing officer shall verify the construction of the new structure or the cost of the remodeling and the facts asserted in the application. The housing officer shall determine whether the construction or the cost of the remodeling meets the requirements for an exemption under this section. In cases involving a structure of historical or architectural significance, the housing officer shall not determine whether the remodeling meets the requirements for a tax exemption unless the appropriateness of the remodeling has been certified, in writing, by the society, association, agency, or legislative authority that has designated the structure or by any organization or person authorized, in writing, by such society, association, agency, or legislative authority to certify the appropriateness of the remodeling.

(C) If the construction or remodeling meets the requirements for exemption, the housing officer shall forward the application to the county auditor with a certification as to the division of this section under which the exemption is granted, and the period and percentage of the exemption as determined by the legislative authority pursuant to that division. If the construction or remodeling is of commercial or industrial property and the legislative authority is not required to certify a copy of a resolution under section 3735.671 of the Revised Code, the housing officer shall comply with the notice requirements prescribed under section 5709.83 of the Revised Code, unless the board has adopted a resolution under that section waiving its right to receive such a notice.

(D) Except as provided in division (F) of this section, the tax exemption shall first apply in the year the construction or remodeling would first be taxable but for this section. In the case of remodeling that qualifies for exemption, a percentage, not to exceed one hundred per cent, of the amount by which the

remodeling increased the assessed value of the structure shall be 10784
exempted from real property taxation. In the case of construction 10785
of a structure that qualifies for exemption, a percentage, not to 10786
exceed one hundred per cent, of the assessed value of the 10787
structure shall be exempted from real property taxation. In either 10788
case, the percentage shall be the percentage set forth in the 10789
agreement if the structure or remodeling is to be used for 10790
commercial or industrial purposes, or the percentage set forth in 10791
the resolution describing the community reinvestment area if the 10792
structure or remodeling is to be used for residential purposes. 10793

The construction of new structures and the remodeling of 10794
existing structures are hereby declared to be a public purpose for 10795
which exemptions from real property taxation may be granted for 10796
the following periods: 10797

(1) For every dwelling containing not more than two family 10798
units located within the same community reinvestment area and upon 10799
which the cost of remodeling is at least two thousand five hundred 10800
dollars, a period to be determined by the legislative authority 10801
adopting the resolution describing the community reinvestment area 10802
where the dwelling is located, but not exceeding ten years unless 10803
extended pursuant to division (D)(3) of this section; 10804

(2) For every dwelling containing more than two units and 10805
commercial or industrial properties, located within the same 10806
community reinvestment area, upon which the cost of remodeling is 10807
at least five thousand dollars, a period to be determined by the 10808
legislative authority adopting the resolution, but not exceeding 10809
twelve years unless extended pursuant to division (D)(3) of this 10810
section; 10811

(3) The period of exemption for a dwelling described in 10812
division (D)(1) or (2) of this section may be extended by a 10813
legislative authority for up to an additional ten years if the 10814
dwelling is a structure of historical or architectural 10815

significance, is a certified historic structure that has been 10816
subject to federal tax treatment under 26 U.S.C. 47 and 170(h), 10817
and units within the structure have been leased to individual 10818
tenants for five consecutive years; 10819

(4) Except as provided in division (F) of this section, for 10820
construction of every dwelling, and commercial or industrial 10821
structure located within the same community reinvestment area, a 10822
period to be determined by the legislative authority adopting the 10823
resolution, but not exceeding fifteen years. 10824

(E) Any person, board, or officer authorized by section 10825
5715.19 of the Revised Code to file complaints with the county 10826
board of revision may file a complaint with the housing officer 10827
challenging the continued exemption of any property granted an 10828
exemption under this section. A complaint against exemption shall 10829
be filed prior to the thirty-first day of December of the tax year 10830
for which taxation of the property is requested. The housing 10831
officer shall determine whether the property continues to meet the 10832
requirements for exemption and shall certify the housing officer's 10833
findings to the complainant. If the housing officer determines 10834
that the property does not meet the requirements for exemption, 10835
the housing officer shall notify the county auditor, who shall 10836
correct the tax list and duplicate accordingly. 10837

(F) The owner of a dwelling constructed in a community 10838
reinvestment area may file an application for an exemption after 10839
the year the construction first became subject to taxation. The 10840
application shall be processed in accordance with the procedures 10841
prescribed under this section and shall be granted if the 10842
construction that is the subject of the application otherwise 10843
meets the requirements for an exemption under this section. If 10844
approved, the exemption sought in the application first applies in 10845
the year the application is filed. An exemption approved pursuant 10846
to this division continues only for those years remaining in the 10847

period described in division (D)~~(3)~~(4) of this section. No 10848
exemption may be claimed for any year in that period that precedes 10849
the year in which the application is filed. 10850

Sec. 3905.40. There shall be paid to the superintendent of 10851
insurance the following fees: 10852

(A) Each insurance company doing business in this state shall 10853
pay: 10854

(1) For filing a copy of its charter or deed of settlement, 10855
two hundred fifty dollars; 10856

(2) For filing each statement, one hundred seventy-five 10857
dollars; 10858

(3) For each certificate of authority or license, one hundred 10859
seventy-five, and for each certified copy thereof, five dollars; 10860

(4) For each copy of a paper filed in the superintendent's 10861
office, twenty cents per page; 10862

(5) For issuing certificates of deposits or certified copies 10863
thereof, five dollars for the first certificate or copy and one 10864
dollar for each additional certificate or copy; 10865

(6) For issuing certificates of compliance or certified 10866
copies thereof, sixty dollars; 10867

(7) For affixing the seal of office and certifying documents, 10868
other than those enumerated herein, two dollars. 10869

(B) Each domestic life insurance company doing business in 10870
this state shall pay for annual valuation of its policies, one 10871
cent on every one thousand dollars of insurance. 10872

(C) Each applicant for licensure as an individual insurance 10873
agent except applicants for licensure as limited lines insurance 10874
agents and surplus line brokers shall pay ten dollars ~~before~~ 10875
~~admission to any examination required by the superintendent. Such~~ 10876

~~fee shall not be paid by the appointing insurance company for each~~ 10877
~~line of authority requested. Fees collected under this division~~ 10878
~~shall be credited to the department of insurance operating fund~~ 10879
~~created in section 3901.021 of the Revised Code.~~ 10880

(D) Each domestic mutual life insurance company shall pay for 10881
verifying that any amendment to its articles of incorporation was 10882
regularly adopted, two hundred fifty dollars with each application 10883
for verification. Any such amendment shall be considered to have 10884
been regularly adopted when approved by the affirmative vote of 10885
two-thirds of the policyholders present in person or by proxy at 10886
any annual meeting of policyholders or at a special meeting of 10887
policyholders called for that purpose. 10888

Sec. 3925.101. With the approval of the superintendent of 10889
insurance, sections 3925.06 to 3925.09 and 3925.20 of the Revised 10890
Code shall not apply to a domestic insurance company that 10891
qualifies as a foreign country branch of a United States company 10892
that writes policies exclusively in countries other than the 10893
United States if those other countries have laws pertaining to 10894
insurance company investments and the foreign country branch is 10895
required to comply with those laws. 10896

Sec. 3961.04. (A) A discount medical plan organization or 10897
marketer shall disclose all of the following information in 10898
writing in not less than twelve-point type on the first content 10899
page of any advertisements, marketing materials, or brochures made 10900
available to the public relating to a discount medical plan and 10901
with any enrollment forms: 10902

(1) A statement that the discount medical plan is not 10903
insurance; 10904

(2) A statement that the range of discounts for medical 10905
services offered under the discount medical plan will vary 10906

depending on the type of provider and medical services; 10907

(3) A statement that the discount medical plan is prohibited 10908
from making members' payments to providers for medical services 10909
received under the discount medical plan; 10910

(4) A statement that the member is obligated to pay for all 10911
discounted medical services received under the discount medical 10912
plan; 10913

(5) The discount medical plan organization's toll-free 10914
telephone number and internet web site address that a member or 10915
prospective member may use to obtain additional information about 10916
and assistance with the discount medical plan and up-to-date lists 10917
of providers participating in the discount medical plan. 10918

(B) If a discount medical plan organization's or marketer's 10919
initial contact with a prospective member is by telephone, the 10920
organization or marketer shall disclose all of the information 10921
listed in division (A) of this section orally in addition to 10922
including such disclosures in the initial written materials 10923
provided to the prospective or new member. 10924

(C) In addition to the disclosures required under division 10925
(A) of this section, a discount medical plan organization shall 10926
provide to each prospective member, at the time of enrollment, a 10927
copy of the terms and conditions of the discount medical plan, 10928
including any limitations or restrictions on the refund of any 10929
processing fees or periodic charges associated with the discount 10930
medical plan. A discount medical plan organization also shall 10931
provide each new member a written document containing the terms 10932
and conditions of the discount medical plan and including all of 10933
the following: 10934

(1) Name of the member; 10935

(2) Benefits provided under the discount medical plan; 10936

(3) Any processing fees and periodic charges associated with the discount medical plan, including, but not limited to, if applicable, the procedures for changing the mode of payment and any accompanying additional charges;	10937 10938 10939 10940
(4) Any limitations, exclusions, or exceptions regarding the receipt of discount medical plan benefits;	10941 10942
(5) Any waiting periods for certain medical services under the discount medical plan;	10943 10944
(6) Procedures for obtaining discounts under the discount medical plan, such as requiring members to contact the discount medical plan organization to request that the organization make an appointment with a provider on the member's behalf;	10945 10946 10947 10948
(7) Cancellation and refund rights described in section 3961.06 of the Revised Code;	10949 10950
(8) Membership renewal, termination, and cancellation terms and conditions;	10951 10952
(9) Procedures for adding new family members to the discount medical plan;	10953 10954
(10) Procedures for filing complaints under the discount medical plan organization's complaint system and a statement explaining that, if the member remains dissatisfied after completing the organization's complaint system, the member may contact the department of insurance;	10955 10956 10957 10958 10959
(11) Name, mailing address, and toll-free telephone number of the discount medical plan organization that a member may use to make inquiries about the discount medical plan, send cancellation notices, and file complaints.	10960 10961 10962 10963
(D) A discount medical plan organization shall maintain on an internet web site page an up-to-date list of the names and addresses of the providers with which the organization has	10964 10965 10966

contracted directly or indirectly through a provider network. The 10967
organization's internet web site address shall be prominently 10968
displayed on all of the organization's advertisements, marketing 10969
materials, brochures, and discount medical plan cards. 10970

(E) When a discount medical plan organization or marketer 10971
sells a discount medical plan together with any other product, the 10972
organization or marketer shall do either of the following: 10973

(1) Provide the charges for each discount medical plan in 10974
writing to the member; 10975

(2) Reimburse the member for all periodic charges for the 10976
discount medical plan and all periodic charges for any other 10977
product if the member cancels ~~his or her~~ membership in accordance 10978
with division (B) of section ~~3901.06~~ 3961.06 of the Revised Code. 10979

Sec. 4117.01. As used in this chapter: 10980

(A) "Person," in addition to those included in division (C) 10981
of section 1.59 of the Revised Code, includes employee 10982
organizations, public employees, and public employers. 10983

(B)(1) "Public employer" means the state or any political 10984
subdivision of the state located entirely within the state, 10985
including, without limitation, any municipal corporation with a 10986
population of at least five thousand ~~according to the most recent~~ 10987
~~federal decennial census~~; county; township with a population of at 10988
least five thousand in the unincorporated area of the township 10989
~~according to the most recent federal decennial census~~; school 10990
district; governing authority of a community school established 10991
under Chapter 3314. of the Revised Code; state institution of 10992
higher learning; public or special district; state agency, 10993
authority, commission, or board; or other branch of public 10994
employment. 10995

(2) In addition, with respect to members of a fire department 10996

of a township with a population of less than five thousand in the 10997
unincorporated area of the township, "public employer" means a 10998
township with a population of at least five thousand in the 10999
incorporated and unincorporated areas of the township that are 11000
served by the township fire department. 11001

(3) For purposes of division (B) of this section, population 11002
shall be determined in accordance with the most recent federal 11003
decennial census. 11004

(C) "Public employee" means any person holding a position by 11005
appointment or employment in the service of a public employer, 11006
including any person working pursuant to a contract between a 11007
public employer and a private employer and over whom the national 11008
labor relations board has declined jurisdiction on the basis that 11009
the involved employees are employees of a public employer, except: 11010

(1) Persons holding elective office; 11011

(2) Employees of the general assembly and employees of any 11012
other legislative body of the public employer whose principal 11013
duties are directly related to the legislative functions of the 11014
body; 11015

(3) Employees on the staff of the governor or the chief 11016
executive of the public employer whose principal duties are 11017
directly related to the performance of the executive functions of 11018
the governor or the chief executive; 11019

(4) Persons who are members of the Ohio organized militia, 11020
while training or performing duty under section 5919.29 or 5923.12 11021
of the Revised Code; 11022

(5) Employees of the state employment relations board; 11023

(6) Confidential employees; 11024

(7) Management level employees; 11025

(8) Employees and officers of the courts, assistants to the 11026

attorney general, assistant prosecuting attorneys, and employees	11027
of the clerks of courts who perform a judicial function;	11028
(9) Employees of a public official who act in a fiduciary	11029
capacity, appointed pursuant to section 124.11 of the Revised	11030
Code;	11031
(10) Supervisors;	11032
(11) Students whose primary purpose is educational training,	11033
including graduate assistants or associates, residents, interns,	11034
or other students working as part-time public employees less than	11035
fifty per cent of the normal year in the employee's bargaining	11036
unit;	11037
(12) Employees of county boards of election;	11038
(13) Seasonal and casual employees as determined by the state	11039
employment relations board;	11040
(14) Part-time faculty members of an institution of higher	11041
education;	11042
(15) Employees of the state personnel board of review;	11043
(16) Participants in a work activity, developmental activity,	11044
or alternative work activity under sections 5107.40 to 5107.69 of	11045
the Revised Code who perform a service for a public employer that	11046
the public employer needs but is not performed by an employee of	11047
the public employer if the participant is not engaged in paid	11048
employment or subsidized employment pursuant to the activity;	11049
(17) Employees included in the career professional service of	11050
the department of transportation under section 5501.20 of the	11051
Revised Code;	11052
(18) Employees of community-based correctional facilities and	11053
district community-based correctional facilities created under	11054
sections 2301.51 to 2301.58 of the Revised Code who are not	11055
subject to a collective bargaining agreement on June 1, 2005.	11056

(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.

(E) "Exclusive representative" means the employee organization certified or recognized as an exclusive representative under section 4117.05 of the Revised Code.

(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 exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment, provided that:

(1) Employees of school districts who are department chairpersons or consulting teachers shall not be deemed supervisors;

(2) With respect to members of a police or fire department, no person shall be deemed a supervisor except the chief of the department or those individuals who, in the absence of the chief, are authorized to exercise the authority and perform the duties of the chief of the department. Where prior to June 1, 1982, a public employer pursuant to a judicial decision, rendered in litigation to which the public employer was a party, has declined to engage in collective bargaining with members of a police or fire department on the basis that those members are supervisors, those members of a police or fire department do not have the rights specified in this chapter for the purposes of future collective bargaining. The state employment relations board shall decide all disputes concerning the application of division (F)(2) of this

section. 11089

(3) With respect to faculty members of a state institution of 11090
higher education, heads of departments or divisions are 11091
supervisors; however, no other faculty member or group of faculty 11092
members is a supervisor solely because the faculty member or group 11093
of faculty members participate in decisions with respect to 11094
courses, curriculum, personnel, or other matters of academic 11095
policy; 11096

(4) No teacher as defined in section 3319.09 of the Revised 11097
Code shall be designated as a supervisor or a management level 11098
employee unless the teacher is employed under a contract governed 11099
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 11100
is assigned to a position for which a license deemed to be for 11101
administrators under state board rules is required pursuant to 11102
section 3319.22 of the Revised Code. 11103

(G) "To bargain collectively" means to perform the mutual 11104
obligation of the public employer, by its representatives, and the 11105
representatives of its employees to negotiate in good faith at 11106
reasonable times and places with respect to wages, hours, terms, 11107
and other conditions of employment and the continuation, 11108
modification, or deletion of an existing provision of a collective 11109
bargaining agreement, with the intention of reaching an agreement, 11110
or to resolve questions arising under the agreement. "To bargain 11111
collectively" includes executing a written contract incorporating 11112
the terms of any agreement reached. The obligation to bargain 11113
collectively does not mean that either party is compelled to agree 11114
to a proposal nor does it require the making of a concession. 11115

(H) "Strike" means continuous concerted action in failing to 11116
report to duty; willful absence from one's position; or stoppage 11117
of work in whole from the full, faithful, and proper performance 11118
of the duties of employment, for the purpose of inducing, 11119
influencing, or coercing a change in wages, hours, terms, and 11120

other conditions of employment. "Strike" does not include a 11121
stoppage of work by employees in good faith because of dangerous 11122
or unhealthful working conditions at the place of employment that 11123
are abnormal to the place of employment. 11124

(I) "Unauthorized strike" includes, but is not limited to, 11125
concerted action during the term or extended term of a collective 11126
bargaining agreement or during the pendency of the settlement 11127
procedures set forth in section 4117.14 of the Revised Code in 11128
failing to report to duty; willful absence from one's position; 11129
stoppage of work; slowdown, or abstinence in whole or in part from 11130
the full, faithful, and proper performance of the duties of 11131
employment for the purpose of inducing, influencing, or coercing a 11132
change in wages, hours, terms, and other conditions of employment. 11133
"Unauthorized strike" includes any such action, absence, stoppage, 11134
slowdown, or abstinence when done partially or intermittently, 11135
whether during or after the expiration of the term or extended 11136
term of a collective bargaining agreement or during or after the 11137
pendency of the settlement procedures set forth in section 4117.14 11138
of the Revised Code. 11139

(J) "Professional employee" means any employee engaged in 11140
work that is predominantly intellectual, involving the consistent 11141
exercise of discretion and judgment in its performance and 11142
requiring knowledge of an advanced type in a field of science or 11143
learning customarily acquired by a prolonged course in an 11144
institution of higher learning or a hospital, as distinguished 11145
from a general academic education or from an apprenticeship; or an 11146
employee who has completed the courses of specialized intellectual 11147
instruction and is performing related work under the supervision 11148
of a professional person to become qualified as a professional 11149
employee. 11150

(K) "Confidential employee" means any employee who works in 11151
the personnel offices of a public employer and deals with 11152

information to be used by the public employer in collective bargaining; or any employee who works in a close continuing relationship with public officers or representatives directly participating in collective bargaining on behalf of the employer.

(L) "Management level employee" means an individual who formulates policy on behalf of the public employer, who responsibly directs the implementation of policy, or who may reasonably be required on behalf of the public employer to assist in the preparation for the conduct of collective negotiations, administer collectively negotiated agreements, or have a major role in personnel administration. Assistant superintendents, principals, and assistant principals whose employment is governed by section 3319.02 of the Revised Code are management level employees. With respect to members of a faculty of a state institution of higher education, no person is a management level employee because of the person's involvement in the formulation or implementation of academic or institution policy.

(M) "Wages" means hourly rates of pay, salaries, or other forms of compensation for services rendered.

(N) "Member of a police department" means a person who is in the employ of a police department of a municipal corporation as a full-time regular police officer as the result of an appointment from a duly established civil service eligibility list or under section 737.15 or 737.16 of the Revised Code, a full-time deputy sheriff appointed under section 311.04 of the Revised Code, a township constable appointed under section 509.01 of the Revised Code, or a member of a township police district police department appointed under section 505.49 of the Revised Code.

(O) "Members of the state highway patrol" means highway patrol troopers and radio operators appointed under section 5503.01 of the Revised Code.

(P) "Member of a fire department" means a person who is in 11184
the employ of a fire department of a municipal corporation or a 11185
township as a fire cadet, full-time regular firefighter, or 11186
promoted rank as the result of an appointment from a duly 11187
established civil service eligibility list or under section 11188
505.38, 709.012, or 737.22 of the Revised Code. 11189

(Q) "Day" means calendar day. 11190

Sec. 4117.09. (A) The parties to any collective bargaining 11191
agreement shall reduce the agreement to writing and both execute 11192
it. 11193

(B) The agreement shall contain a provision that: 11194

(1) Provides for a grievance procedure which may culminate 11195
with final and binding arbitration of unresolved grievances, and 11196
disputed interpretations of agreements, and which is valid and 11197
enforceable under its terms when entered into in accordance with 11198
this chapter. No publication thereof is required to make it 11199
effective. A party to the agreement may bring suits for violation 11200
of agreements or the enforcement of an award by an arbitrator in 11201
the court of common pleas of any county wherein a party resides or 11202
transacts business. 11203

(2) Authorizes the public employer to deduct the periodic 11204
dues, initiation fees, and assessments of members of the exclusive 11205
representative upon presentation of a written deduction 11206
authorization by the employee. 11207

(C) The agreement may contain a provision that requires as a 11208
condition of employment, on or after a mutually agreed upon 11209
probationary period or sixty days following the beginning of 11210
employment, whichever is less, or the effective date of a 11211
collective bargaining agreement, whichever is later, that the 11212
employees in the unit who are not members of the employee 11213

organization pay to the employee organization a fair share fee. 11214
The arrangement does not require any employee to become a member 11215
of the employee organization, nor shall fair share fees exceed 11216
dues paid by members of the employee organization who are in the 11217
same bargaining unit. Any public employee organization 11218
representing public employees pursuant to this chapter shall 11219
prescribe an internal procedure to determine a rebate, if any, for 11220
nonmembers which conforms to federal law, provided a nonmember 11221
makes a timely demand on the employee organization. Absent 11222
arbitrary and capricious action, such determination is conclusive 11223
on the parties except that a challenge to the determination may be 11224
filed with the state employment relations board within thirty days 11225
of the determination date specifying the arbitrary or capricious 11226
nature of the determination and the board shall review the rebate 11227
determination and decide whether it was arbitrary or capricious. 11228
The deduction of a fair share fee by the public employer from the 11229
payroll check of the employee and its payment to the employee 11230
organization is automatic and does not require the written 11231
authorization of the employee. 11232

The internal rebate procedure shall provide for a rebate of 11233
expenditures in support of partisan politics or ideological causes 11234
not ~~germane~~ germane to the work of employee organizations in the 11235
realm of collective bargaining. 11236

Any public employee who is a member of and adheres to 11237
established and traditional tenets or teachings of a bona fide 11238
religion or religious body which has historically held 11239
conscientious objections to joining or financially supporting an 11240
employee organization and which is exempt from taxation under the 11241
provisions of the Internal Revenue Code shall not be required to 11242
join or financially support any employee organization as a 11243
condition of employment. Upon submission of proper proof of 11244
religious conviction to the board, the board shall declare the 11245

employee exempt from becoming a member of or financially 11246
supporting an employee organization. The employee shall be 11247
required, in lieu of the fair share fee, to pay an amount of money 11248
equal to the fair share fee to a nonreligious charitable fund 11249
exempt from taxation under section 501(c)(3) of the Internal 11250
Revenue Code mutually agreed upon by the employee and the 11251
representative of the employee organization to which the employee 11252
would otherwise be required to pay the fair share fee. The 11253
employee shall furnish to the employee organization written 11254
receipts evidencing such payment, and failure to make the payment 11255
or furnish the receipts shall subject the employee to the same 11256
sanctions as would nonpayment of dues under the applicable 11257
collective bargaining agreement. 11258

No public employer shall agree to a provision requiring that 11259
a public employee become a member of an employee organization as a 11260
condition for securing or retaining employment. 11261

(D) As used in this division, "teacher" means any employee of 11262
a school district certified to teach in the public schools of this 11263
state. 11264

The agreement may contain a provision that provides for a 11265
peer review plan under which teachers in a bargaining unit or 11266
representatives of an employee organization representing teachers 11267
may, for other teachers of the same bargaining unit or teachers 11268
whom the employee organization represents, participate in 11269
assisting, instructing, reviewing, evaluating, or appraising and 11270
make recommendations or participate in decisions with respect to 11271
the retention, discharge, renewal, or nonrenewal of, the teachers 11272
covered by a peer review plan. 11273

The participation of teachers or their employee organization 11274
representative in a peer review plan permitted under this division 11275
shall not be construed as an unfair labor practice under this 11276
chapter or as a violation of any other provision of law or rule 11277

adopted pursuant thereto. 11278

(E) No agreement shall contain an expiration date that is 11279
later than three years from the date of execution. The parties may 11280
extend any agreement, but the extensions do not affect the 11281
expiration date of the original agreement. 11282

(F) As used in this division, "township" means a public 11283
employer as defined in division (B)(2) of section 4117.01 of the 11284
Revised Code. 11285

An agreement entered into between a township and an employee 11286
organization representing the members of the township's fire 11287
department shall contain a provision stating that if any 11288
incorporated municipal corporations located within the township 11289
elect to no longer receive fire protection through the township, 11290
and as a result the population served by that township's fire 11291
department becomes less than five thousand according to the most 11292
recent federal decennial census, the township, at the township's 11293
option, may terminate the agreement entered into between the 11294
township and the employee organization. 11295

Sec. 4117.14. (A) The procedures contained in this section 11296
govern the settlement of disputes between an exclusive 11297
representative and a public employer concerning the termination or 11298
modification of an existing collective bargaining agreement or 11299
negotiation of a successor agreement, or the negotiation of an 11300
initial collective bargaining agreement. 11301

(B)(1) In those cases where there exists a collective 11302
bargaining agreement, any public employer or exclusive 11303
representative desiring to terminate, modify, or negotiate a 11304
successor collective bargaining agreement shall: 11305

(a) Serve written notice upon the other party of the proposed 11306
termination, modification, or successor agreement. The party must 11307

serve the notice not less than sixty days prior to the expiration 11308
date of the existing agreement or, in the event the existing 11309
collective bargaining agreement does not contain an expiration 11310
date, not less than sixty days prior to the time it is proposed to 11311
make the termination or modifications or to make effective a 11312
successor agreement. 11313

(b) Offer to bargain collectively with the other party for 11314
the purpose of modifying or terminating any existing agreement or 11315
negotiating a successor agreement; 11316

(c) Notify the state employment relations board of the offer 11317
by serving upon the board a copy of the written notice to the 11318
other party and a copy of the existing collective bargaining 11319
agreement. 11320

(2) In the case of initial negotiations between a public 11321
employer and an exclusive representative, where a collective 11322
bargaining agreement has not been in effect between the parties, 11323
any party may serve notice upon the board and the other party 11324
setting forth the names and addresses of the parties and offering 11325
to meet, for a period of ninety days, with the other party for the 11326
purpose of negotiating a collective bargaining agreement. 11327

If the settlement procedures specified in divisions (B), (C), 11328
and (D) of this section govern the parties, where those procedures 11329
refer to the expiration of a collective bargaining agreement, it 11330
means the expiration of the sixty-day period to negotiate a 11331
collective bargaining agreement referred to in this subdivision, 11332
or in the case of initial negotiations, it means the ninety day 11333
period referred to in this subdivision. 11334

(3) The parties shall continue in full force and effect all 11335
the terms and conditions of any existing collective bargaining 11336
agreement, without resort to strike or lock-out, for a period of 11337
sixty days after the party gives notice or until the expiration 11338

date of the collective bargaining agreement, whichever occurs 11339
later, or for a period of ninety days where applicable. 11340

(4) Upon receipt of the notice, the parties shall enter into 11341
collective bargaining. 11342

(C) In the event the parties are unable to reach an 11343
agreement, they may submit, at any time prior to forty-five days 11344
before the expiration date of the collective bargaining agreement, 11345
the issues in dispute to any mutually agreed upon dispute 11346
settlement procedure which supersedes the procedures contained in 11347
this section. 11348

(1) The procedures may include: 11349

(a) Conventional arbitration of all unsettled issues; 11350

(b) Arbitration confined to a choice between the last offer 11351
of each party to the agreement as a single package; 11352

(c) Arbitration confined to a choice of the last offer of 11353
each party to the agreement on each issue submitted; 11354

(d) The procedures described in division (C)(1)(a), (b), or 11355
(c) of this section and including among the choices for the 11356
arbitrator, the recommendations of the fact finder, if there are 11357
recommendations, either as a single package or on each issue 11358
submitted; 11359

(e) Settlement by a citizens' conciliation council composed 11360
of three residents within the jurisdiction of the public employer. 11361
The public employer shall select one member and the exclusive 11362
representative shall select one member. The two members selected 11363
shall select the third member who shall chair the council. If the 11364
two members cannot agree upon a third member within five days 11365
after their appointments, the board shall appoint the third 11366
member. Once appointed, the council shall make a final settlement 11367
of the issues submitted to it pursuant to division (G) of this 11368

section. 11369

(f) Any other dispute settlement procedure mutually agreed to 11370
by the parties. 11371

(2) If, fifty days before the expiration date of the 11372
collective bargaining agreement, the parties are unable to reach 11373
an agreement, any party may request the state employment relations 11374
board to intervene. The request shall set forth the names and 11375
addresses of the parties, the issues involved, and, if applicable, 11376
the expiration date of any agreement. 11377

The board shall intervene and investigate the dispute to 11378
determine whether the parties have engaged in collective 11379
bargaining. 11380

If an impasse exists or forty-five days before the expiration 11381
date of the collective bargaining agreement if one exists, the 11382
board shall appoint a mediator to assist the parties in the 11383
collective bargaining process. 11384

(3) Any time after the appointment of a mediator, either 11385
party may request the appointment of a fact-finding panel. Within 11386
fifteen days after receipt of a request for a fact-finding panel, 11387
the board shall appoint a fact-finding panel of not more than 11388
three members who have been selected by the parties in accordance 11389
with rules established by the board, from a list of qualified 11390
persons maintained by the board. 11391

(a) The fact-finding panel shall, in accordance with rules 11392
and procedures established by the board that include the 11393
regulation of costs and expenses of fact-finding, gather facts and 11394
make recommendations for the resolution of the matter. The board 11395
shall by its rules require each party to specify in writing the 11396
unresolved issues and its position on each issue to the 11397
fact-finding panel. The fact-finding panel shall make final 11398
recommendations as to all the unresolved issues. 11399

(b) The board may continue mediation, order the parties to engage in collective bargaining until the expiration date of the agreement, or both.

(4) The following guidelines apply to fact-finding:

(a) The fact-finding panel may establish times and place of hearings which shall be, where feasible, in the jurisdiction of the state.

(b) The fact-finding panel shall conduct the hearing pursuant to rules established by the board.

(c) Upon request of the fact-finding panel, the board shall issue subpoenas for hearings conducted by the panel.

(d) The fact-finding panel may administer oaths.

(e) The board shall prescribe guidelines for the fact-finding panel to follow in making findings. In making its recommendations, the fact-finding panel shall take into consideration the factors listed in divisions (G)(7)(a) to (f) of this section.

(f) The fact-finding panel may attempt mediation at any time during the fact-finding process. From the time of appointment until the fact-finding panel makes a final recommendation, it shall not discuss the recommendations for settlement of the dispute with parties other than the direct parties to the dispute.

(5) The fact-finding panel, acting by a majority of its members, shall transmit its findings of fact and recommendations on the unresolved issues to the public employer and employee organization involved and to the board no later than fourteen days after the appointment of the fact-finding panel, unless the parties mutually agree to an extension. The parties shall share the cost of the fact-finding panel in a manner agreed to by the parties.

(6)(a) Not later than seven days after the findings and

recommendations are sent, the legislative body, by a three-fifths 11430
vote of its total membership, and in the case of the public 11431
employee organization, the membership, by a three-fifths vote of 11432
the total membership, may reject the recommendations; if neither 11433
rejects the recommendations, the recommendations shall be deemed 11434
agreed upon as the final resolution of the issues submitted and a 11435
collective bargaining agreement shall be executed between the 11436
parties, including the fact-finding panel's recommendations, 11437
except as otherwise modified by the parties by mutual agreement. 11438
If either the legislative body or the public employee organization 11439
rejects the recommendations, the board shall publicize the 11440
findings of fact and recommendations of the fact-finding panel. 11441
The board shall adopt rules governing the procedures and methods 11442
for public employees to vote on the recommendations of the 11443
fact-finding panel. 11444

(b) As used in division (C)(6)(a) of this section, 11445
"legislative body" means the controlling board when the state or 11446
any of its agencies, authorities, commissions, boards, or other 11447
branch of public employment is party to the fact-finding process. 11448

(D) If the parties are unable to reach agreement within seven 11449
days after the publication of findings and recommendations from 11450
the fact-finding panel or the collective bargaining agreement, if 11451
one exists, has expired, then the: 11452

(1) Public employees, who are members of a police or fire 11453
department, members of the state highway patrol, deputy sheriffs, 11454
dispatchers employed by a police, fire or sheriff's department or 11455
the state highway patrol or civilian dispatchers employed by a 11456
public employer other than a police, fire, or sheriff's department 11457
to dispatch police, fire, sheriff's department, or emergency 11458
medical or rescue personnel and units, an exclusive nurse's unit, 11459
employees of the state school for the deaf or the state school for 11460
the blind, employees of any public employee retirement system, 11461

corrections officers, guards at penal or mental institutions, 11462
special police officers appointed in accordance with sections 11463
5119.14 and 5123.13 of the Revised Code, psychiatric attendants 11464
employed at mental health forensic facilities, ~~or~~ youth leaders 11465
employed at juvenile correctional facilities, or members of a law 11466
enforcement security force that is established and maintained 11467
exclusively by a board of county commissioners and whose members 11468
are employed by that board, shall submit the matter to a final 11469
offer settlement procedure pursuant to a board order issued 11470
forthwith to the parties to settle by a conciliator selected by 11471
the parties. The parties shall request from the board a list of 11472
five qualified conciliators and the parties shall select a single 11473
conciliator from the list by alternate striking of names. If the 11474
parties cannot agree upon a conciliator within five days after the 11475
board order, the board shall on the sixth day after its order 11476
appoint a conciliator from a list of qualified persons maintained 11477
by the board or shall request a list of qualified conciliators 11478
from the American arbitration association and appoint therefrom. 11479

(2) Public employees other than those listed in division 11480
(D)(1) of this section have the right to strike under Chapter 11481
4117. of the Revised Code provided that the employee organization 11482
representing the employees has given a ten-day prior written 11483
notice of an intent to strike to the public employer and to the 11484
board, and further provided that the strike is for full, 11485
consecutive work days and the beginning date of the strike is at 11486
least ten work days after the ending date of the most recent prior 11487
strike involving the same bargaining unit; however, the board, at 11488
its discretion, may attempt mediation at any time. 11489

(E) Nothing in this section shall be construed to prohibit 11490
the parties, at any time, from voluntarily agreeing to submit any 11491
or all of the issues in dispute to any other alternative dispute 11492
settlement procedure. An agreement or statutory requirement to 11493

arbitrate or to settle a dispute pursuant to a final offer 11494
settlement procedure and the award issued in accordance with the 11495
agreement or statutory requirement is enforceable in the same 11496
manner as specified in division (B) of section 4117.09 of the 11497
Revised Code. 11498

(F) Nothing in this section shall be construed to prohibit a 11499
party from seeking enforcement of a collective bargaining 11500
agreement or a conciliator's award as specified in division (B) of 11501
section 4117.09 of the Revised Code. 11502

(G) The following guidelines apply to final offer settlement 11503
proceedings under division (D)(1) of this section: 11504

(1) The parties shall submit to final offer settlement those 11505
issues that are subject to collective bargaining as provided by 11506
section 4117.08 of the Revised Code and upon which the parties 11507
have not reached agreement and other matters mutually agreed to by 11508
the public employer and the exclusive representative; except that 11509
the conciliator may attempt mediation at any time. 11510

(2) The conciliator shall hold a hearing within thirty days 11511
of the board's order to submit to a final offer settlement 11512
procedure, or as soon thereafter as is practicable. 11513

(3) The conciliator shall conduct the hearing pursuant to 11514
rules developed by the board. The conciliator shall establish the 11515
hearing time and place, but it shall be, where feasible, within 11516
the jurisdiction of the state. Not later than five calendar days 11517
before the hearing, each of the parties shall submit to the 11518
conciliator, to the opposing party, and to the board, a written 11519
report summarizing the unresolved issues, the party's final offer 11520
as to the issues, and the rationale for that position. 11521

(4) Upon the request by the conciliator, the board shall 11522
issue subpoenas for the hearing. 11523

(5) The conciliator may administer oaths. 11524

(6) The conciliator shall hear testimony from the parties and 11525
provide for a written record to be made of all statements at the 11526
hearing. The board shall submit for inclusion in the record and 11527
for consideration by the conciliator the written report and 11528
recommendation of the fact-finders. 11529

(7) After hearing, the conciliator shall resolve the dispute 11530
between the parties by selecting, on an issue-by-issue basis, from 11531
between each of the party's final settlement offers, taking into 11532
consideration the following: 11533

(a) Past collectively bargained agreements, if any, between 11534
the parties; 11535

(b) Comparison of the issues submitted to final offer 11536
settlement relative to the employees in the bargaining unit 11537
involved with those issues related to other public and private 11538
employees doing comparable work, giving consideration to factors 11539
peculiar to the area and classification involved; 11540

(c) The interests and welfare of the public, the ability of 11541
the public employer to finance and administer the issues proposed, 11542
and the effect of the adjustments on the normal standard of public 11543
service; 11544

(d) The lawful authority of the public employer; 11545

(e) The stipulations of the parties; 11546

(f) Such other factors, not confined to those listed in this 11547
section, which are normally or traditionally taken into 11548
consideration in the determination of the issues submitted to 11549
final offer settlement through voluntary collective bargaining, 11550
mediation, fact-finding, or other impasse resolution procedures in 11551
the public service or in private employment. 11552

(8) Final offer settlement awards made under Chapter 4117. of 11553
the Revised Code are subject to Chapter 2711. of the Revised Code. 11554

(9) If more than one conciliator is used, the determination 11555
must be by majority vote. 11556

(10) The conciliator shall make written findings of fact and 11557
promulgate a written opinion and order upon the issues presented 11558
to the conciliator, and upon the record made before the 11559
conciliator and shall mail or otherwise deliver a true copy 11560
thereof to the parties and the board. 11561

(11) Increases in rates of compensation and other matters 11562
with cost implications awarded by the conciliator may be effective 11563
only at the start of the fiscal year next commencing after the 11564
date of the final offer settlement award; provided that if a new 11565
fiscal year has commenced since the issuance of the board order to 11566
submit to a final offer settlement procedure, the awarded 11567
increases may be retroactive to the commencement of the new fiscal 11568
year. The parties may, at any time, amend or modify a 11569
conciliator's award or order by mutual agreement. 11570

(12) The parties shall bear equally the cost of the final 11571
offer settlement procedure. 11572

(13) Conciliators appointed pursuant to this section shall be 11573
residents of the state. 11574

(H) All final offer settlement awards and orders of the 11575
conciliator made pursuant to Chapter 4117. of the Revised Code are 11576
subject to review by the court of common pleas having jurisdiction 11577
over the public employer as provided in Chapter 2711. of the 11578
Revised Code. If the public employer is located in more than one 11579
court of common pleas district, the court of common pleas in which 11580
the principal office of the chief executive is located has 11581
jurisdiction. 11582

(I) The issuance of a final offer settlement award 11583
constitutes a binding mandate to the public employer and the 11584
exclusive representative to take whatever actions are necessary to 11585

implement the award. 11586

Sec. 4117.15. (A) Whenever a strike by members of a police or 11587
fire department, members of the state highway patrol, deputy 11588
sheriffs, dispatchers employed by a police, fire or sheriff's 11589
department or the state highway patrol or civilian dispatchers 11590
employed by a public employer other than a police, fire, or 11591
sheriff's department to dispatch police, fire, sheriff's 11592
department, or emergency medical or rescue personnel and units, an 11593
exclusive nurse's unit, employees of the state school for the deaf 11594
or the state school for the blind, employees of any public 11595
employee retirement system, correction officers, guards at penal 11596
or mental institutions, or special ~~policemen or policewomen~~ police 11597
officers appointed in accordance with sections 5119.14 and 5123.13 11598
of the Revised Code, psychiatric attendants employed at mental 11599
health forensic facilities, youth leaders employed at juvenile 11600
correctional facilities, or members of a law enforcement security 11601
force that is established and maintained exclusively by a board of 11602
county commissioners and whose members are employed by that board, 11603
a strike by other public employees during the pendency of the 11604
settlement procedures set forth in section 4117.14 of the Revised 11605
Code, or a strike during the term or extended term of a collective 11606
bargaining agreement occurs, the public employer may seek an 11607
injunction against the strike in the court of common pleas of the 11608
county in which the strike is located. 11609

(B) An unfair labor practice by a public employer is not a 11610
defense to the injunction proceeding noted in division (A) of this 11611
section. Allegations of unfair labor practices during the 11612
settlement procedures set forth in section 4117.14 of the Revised 11613
Code shall receive priority by the state employment relations 11614
board. 11615

(C) No public employee is entitled to pay or compensation 11616

from the public employer for the period engaged in any strike. 11617

Sec. 4123.26. Every employer shall keep records of, and 11618
furnish to the bureau of workers' compensation upon request, all 11619
information required by the administrator of workers' compensation 11620
to carry out this chapter. In January of each year, every employer 11621
of the state employing one or more employees regularly in the same 11622
business, or in or about the same establishment, shall prepare and 11623
mail to the bureau at its main office in Columbus a statement 11624
containing the following information, as applicable: 11625

(A) The number of employees employed during the preceding 11626
year from the first day of January through the thirty-first day of 11627
December; 11628

(B) The number of such employees employed at each kind of 11629
employment and the aggregate amount of wages paid to such 11630
employees; 11631

(C) In accordance with the rules adopted by the administrator 11632
pursuant to division (D) of section 4123.32 of the Revised Code, 11633
if the employer employs employees who are covered under the 11634
federal "Longshore and Harbor Workers' Compensation Act," 98 Stat. 11635
1639, 33 U.S.C. 901 et seq., and under this chapter and Chapter 11636
4121. of the Revised Code, both of the following amounts: 11637

(1) The amount of wages the employer pays to those employees 11638
when the employees perform labor and provide services for which 11639
the employees are eligible to receive compensation and benefits 11640
under the federal "Longshore and Harbor Workers' Compensation 11641
Act;" 11642

(2) The amount of wages the employer pays to those employees 11643
when the employees perform labor and provide services for which 11644
the employees are eligible to receive compensation and benefits 11645
under this chapter and Chapter 4121. of the Revised Code. 11646

The information shall be furnished on a blank to be prepared 11647
by the bureau. The bureau shall furnish the blanks to employers 11648
free of charge upon request therefor. Every employer receiving 11649
from the bureau any blank, with directions to fill out the same, 11650
shall cause the same to be properly filled out so as to answer 11651
fully and correctly all questions therein propounded, and give all 11652
the information therein sought, or if unable to do so, ~~he~~ the 11653
employer shall give to the bureau in writing good and sufficient 11654
reasons for such failure. The bureau may require that the 11655
information required to be furnished be verified under oath and 11656
returned to the bureau within the period fixed by it or by law. 11657
The bureau or any person employed by the bureau for that purpose, 11658
may examine, under oath, any employer, or the officer, agent, or 11659
employee thereof, for the purpose of ascertaining any information 11660
which the employer is required to furnish to the bureau. 11661

No employer shall fail to furnish to the bureau the annual 11662
statement required by this section, nor shall any employer fail to 11663
keep records of or furnish such other information as may be 11664
required by the bureau under this section. 11665

Whoever violates this section shall forfeit five hundred 11666
dollars, to be collected in a civil action brought against the 11667
employer in the name of the state, to be paid into the state 11668
insurance fund and become a part thereof. 11669

Sec. 4123.32. The administrator of workers' compensation, 11670
with the advice and consent of the bureau of workers' compensation 11671
board of directors, shall adopt rules with respect to the 11672
collection, maintenance, and disbursements of the state insurance 11673
fund including all of the following: 11674

(A) A rule providing that the premium security deposit 11675
collected from any employer entitles the employer to the benefits 11676
of this chapter for the remainder of the six months and also for 11677

an additional adjustment period of two months, and, thereafter, if 11678
the employer pays the premium due at the close of any six-month 11679
period, coverage shall be extended for an additional eight-month 11680
period beginning from the end of the six-month period for which 11681
the employer pays the premium due; 11682

(B) A rule providing for ascertaining the correctness of any 11683
employer's report of estimated or actual expenditure of wages and 11684
the determination and adjustment of proper premiums and the 11685
payment of those premiums by the employer for or during any period 11686
less than eight months and notwithstanding any payment or 11687
determination of premium made when exceptional conditions or 11688
circumstances in the judgment of the administrator justify the 11689
action; 11690

(C) Such special rules as the administrator considers 11691
necessary to safeguard the fund and that are just in the 11692
circumstances, covering the rates to be applied where one employer 11693
takes over the occupation or industry of another or where an 11694
employer first makes application for state insurance, and the 11695
administrator may require that if any employer transfers a 11696
business in whole or in part or otherwise reorganizes the 11697
business, the successor in interest shall assume, in proportion to 11698
the extent of the transfer, as determined by the administrator, 11699
the employer's account and shall continue the payment of all 11700
contributions due under this chapter; 11701

(D) A rule providing that an employer who employs an employee 11702
covered under the federal "Longshore and Harbor Workers' 11703
Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et seq., and this 11704
chapter and Chapter 4121. of the Revised Code shall be assessed a 11705
premium in accordance with the expenditure of wages, payroll, or 11706
both attributable to only labor performed and services provided by 11707
such an employee when the employee performs labor and provides 11708
services for which the employee is not eligible to receive 11709

compensation and benefits under that federal act. 11710

(E) A rule providing for all of the following: 11711

(1) If, within two months immediately after the expiration of 11712
the six-month period, an employer fails to file a report of the 11713
employer's actual payroll expenditures for the period, the premium 11714
found to be due from the employer for the period shall be 11715
increased in an amount equal to one per cent of the premium, but 11716
the increase shall not be less than three nor more than fifteen 11717
dollars; 11718

(2) The premium determined by the administrator to be due 11719
from an employer shall be payable on or before the end of the 11720
coverage period established by the premium security deposit, or 11721
within the time specified by the administrator if the period for 11722
which the advance premium has been paid is less than eight months. 11723
If an employer fails to pay the premium when due, the 11724
administrator may add a late fee penalty of not more than thirty 11725
dollars to the premium plus an additional penalty amount as 11726
follows: 11727

(a) For a premium from sixty-one to ninety days past due, the 11728
prime interest rate, multiplied by the premium due; 11729

(b) For a premium from ninety-one to one hundred twenty days 11730
past due, the prime interest rate plus two per cent, multiplied by 11731
the premium due; 11732

(c) For a premium from one hundred twenty-one to one hundred 11733
fifty days past due, the prime interest rate plus four per cent, 11734
multiplied by the premium due; 11735

(d) For a premium from one hundred fifty-one to one hundred 11736
eighty days past due, the prime interest rate plus six per cent, 11737
multiplied by the premium due; 11738

(e) For a premium from one hundred eighty-one to two hundred 11739

ten days past due, the prime interest rate plus eight per cent, 11740
multiplied by the premium due; 11741

(f) For each additional thirty-day period or portion thereof 11742
that a premium remains past due after it has remained past due for 11743
more than two hundred ten days, the prime interest rate plus eight 11744
per cent, multiplied by the premium due. 11745

(3) Notwithstanding the interest rates specified in division 11746
~~(D)~~(E)(2) of this section, at no time shall the additional penalty 11747
amount assessed under division ~~(D)~~(E)(2) of this section exceed 11748
fifteen per cent of the premium due. 11749

(4) An employer may appeal a late fee penalty or additional 11750
penalty to an adjudicating committee pursuant to section 4123.291 11751
of the Revised Code. 11752

For purposes of division ~~(D)~~ (E) of this section, "prime 11753
interest rate" means the average bank prime rate, and the 11754
administrator shall determine the prime interest rate in the same 11755
manner as a county auditor determines the average bank prime rate 11756
under section 929.02 of the Revised Code. 11757

(5) If the employer files an appropriate payroll report, 11758
within the time provided by law or within the time specified by 11759
the administrator if the period for which the employer paid an 11760
estimated premium is less than eight months, the employer shall 11761
not be in default and division ~~(D)~~(E)(2) of this section shall not 11762
apply if the employer pays the premiums within fifteen days after 11763
being first notified by the administrator of the amount due. 11764

(6) Any deficiencies in the amounts of the premium security 11765
deposit paid by an employer for any period shall be subject to an 11766
interest charge of six per cent per annum from the date the 11767
premium obligation is incurred. In determining the interest due on 11768
deficiencies in premium security deposit payments, a charge in 11769
each case shall be made against the employer in an amount equal to 11770

interest at the rate of six per cent per annum on the premium 11771
security deposit due but remaining unpaid sixty days after notice 11772
by the administrator. 11773

(7) Any interest charges or penalties provided for in 11774
divisions ~~(D)~~(E)(2) and (6) of this section shall be credited to 11775
the employer's account for rating purposes in the same manner as 11776
premiums. 11777

~~(E)~~(F) A rule providing that each employer, on the occasion 11778
of instituting coverage under this chapter, shall submit a premium 11779
security deposit. The deposit shall be calculated equivalent to 11780
thirty per cent of the semiannual premium obligation of the 11781
employer based upon the employer's estimated expenditure for wages 11782
for the ensuing six-month period plus thirty per cent of an 11783
additional adjustment period of two months but only up to a 11784
maximum of one thousand dollars and not less than ten dollars. The 11785
administrator shall review the security deposit of every employer 11786
who has submitted a deposit which is less than the 11787
one-thousand-dollar maximum. The administrator may require any 11788
such employer to submit additional money up to the maximum of one 11789
thousand dollars that, in the administrator's opinion, reflects 11790
the employer's current payroll expenditure for an eight-month 11791
period. 11792

~~(F)~~(G) A rule providing that each employer, on the occasion 11793
of instituting coverage under this chapter, shall submit an 11794
application for coverage that completely provides all of the 11795
information required for the administrator to establish coverage 11796
for that employer, and that the employer's failure to provide all 11797
of the information completely may be grounds for the administrator 11798
to deny coverage for that employer. 11799

~~(G)~~(H) A rule providing that, in addition to any other 11800
remedies permitted in this chapter, the administrator may 11801
discontinue an employer's coverage if the employer fails to pay 11802

the premium due on or before the premium's due date. 11803

~~(H)~~(I) A rule providing that if after a final adjudication it 11804
is determined that an employer has failed to pay an obligation, 11805
billing, account, or assessment that is greater than one thousand 11806
dollars on or before its due date, the administrator may 11807
discontinue the employer's coverage in addition to any other 11808
remedies permitted in this chapter, and that the administrator 11809
shall not discontinue an employer's coverage pursuant to this 11810
division prior to a final adjudication regarding the employer's 11811
failure to pay such obligation, billing, account, or assessment on 11812
or before its due date. 11813

~~(I)~~(J) As used in divisions ~~(G)~~ and (H) and (I) of this 11814
section: 11815

(1) "Employer" has the same meaning as in division (B) of 11816
section 4123.01 of the Revised Code except that "employer" does 11817
not include the state, a state hospital, or a state university or 11818
college. 11819

(2) "State university or college" has the same meaning as in 11820
section 3345.12 of the Revised Code and also includes the Ohio 11821
agricultural research and development center and the Ohio state 11822
university cooperative extension service. 11823

(3) "State hospital" means the Ohio state university hospital 11824
and its ancillary facilities and the medical university of Ohio at 11825
Toledo hospital. 11826

Sec. 4123.37. In this section "amenable employer" has the 11827
same meaning as "employer" as defined in division ~~(H)~~ (J) of 11828
section 4123.32 of the Revised Code. 11829

If the administrator of workers' compensation finds that any 11830
person, firm, or private corporation, including any public service 11831
corporation, is, or has been at any time after January 1, 1923, an 11832

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.

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 premium security deposit according to section 4123.32 of the Revised Code if the employer is an amenable employer at the time of the determination, basing the assessment upon the information in the possession of the administrator.

The administrator shall give to the employer assessed written notice of the assessment. The notice shall be mailed to the employer at the employer's residence or usual place of business by certified mail. Unless the employer to whom the notice of assessment is directed files with the bureau within twenty days after receipt thereof, a petition in writing, verified under oath by the employer, or the employer's authorized agent having knowledge of the facts, setting forth with particularity the items of the assessment objected to, together with the reason for the objections, the assessment shall become conclusive and the amount thereof shall be due and payable from the employer so assessed to the state insurance fund. When a petition objecting to an

assessment is filed the bureau shall assign a time and place for 11865
the hearing of the same and shall notify the petitioner thereof by 11866
certified mail. When an employer files a petition the assessment 11867
made by the administrator shall become due and payable ten days 11868
after notice of the finding made at the hearing has been sent by 11869
certified mail to the party assessed. An appeal may be taken from 11870
any finding to the court of common pleas of Franklin county upon 11871
the execution by the party assessed of a bond to the state in 11872
double the amount found due and ordered paid by the bureau 11873
conditioned that the party will pay any judgment and costs 11874
rendered against it for the premium. 11875

When no petition objecting to an assessment is filed or when 11876
a finding is made affirming or modifying an assessment after 11877
hearing, a certified copy of the assessment as affirmed or 11878
modified may be filed by the administrator in the office of the 11879
clerk of the court of common pleas in any county in which the 11880
employer has property or in which the employer has a place of 11881
business. The clerk, immediately upon the filing of the 11882
assessment, shall enter a judgment for the state against the 11883
employer in the amount shown on the assessment. The judgment may 11884
be filed by the clerk in a loose leaf book entitled "special 11885
judgments for state insurance fund." The judgment shall bear the 11886
same rate of interest, have the same effect as other judgments, 11887
and be given the same preference allowed by law on other judgments 11888
rendered for claims for taxes. An assessment or judgment under 11889
this section shall not be a bar to the adjustment of the 11890
employer's account upon the employer furnishing the employer's 11891
payroll records to the bureau. 11892

The administrator, for good cause shown, may waive a default 11893
in the payment of premium where the default is of less than sixty 11894
days' duration, and upon payment by the employer of the premium 11895
for the period, the employer and the employer's employees are 11896

entitled to all of the benefits and immunities provided by this 11897
chapter. 11898

Sec. 4123.54. (A) ~~Every~~ Except as otherwise provided in 11899
division (I) of this section, every employee, who is injured or 11900
who contracts an occupational disease, and the dependents of each 11901
employee who is killed, or dies as the result of an occupational 11902
disease contracted in the course of employment, wherever such 11903
injury has occurred or occupational disease has been contracted, 11904
provided the same were not: 11905

(1) Purposely self-inflicted; or 11906

(2) Caused by the employee being intoxicated or under the 11907
influence of a controlled substance not prescribed by a physician 11908
where the intoxication or being under the influence of the 11909
controlled substance not prescribed by a physician was the 11910
proximate cause of the injury, is entitled to receive, either 11911
directly from the employee's self-insuring employer as provided in 11912
section 4123.35 of the Revised Code, or from the state insurance 11913
fund, the compensation for loss sustained on account of the 11914
injury, occupational disease, or death, and the medical, nurse, 11915
and hospital services and medicines, and the amount of funeral 11916
expenses in case of death, as are provided by this chapter. 11917

(B) For the purpose of this section, provided that an 11918
employer has posted written notice to employees that the results 11919
of, or the employee's refusal to submit to, any chemical test 11920
described under this division may affect the employee's 11921
eligibility for compensation and benefits pursuant to this chapter 11922
and Chapter 4121. of the Revised Code, there is a rebuttable 11923
presumption that an employee is intoxicated or under the influence 11924
of a controlled substance not prescribed by the employee's 11925
physician and that being intoxicated or under the influence of a 11926
controlled substance not prescribed by the employee's physician is 11927

the proximate cause of an injury under either of the following	11928
conditions:	11929
(1) When any one or more of the following is true:	11930
(a) The employee, through a qualifying chemical test	11931
administered within eight hours of an injury, is determined to	11932
have an alcohol concentration level equal to or in excess of the	11933
levels established in divisions (A)(1)(b) to (i) of section	11934
4511.19 of the Revised Code;	11935
(b) The employee, through a qualifying chemical test	11936
administered within thirty-two hours of an injury, is determined	11937
to have one of the following controlled substances not prescribed	11938
by the employee's physician in the employee's system that tests	11939
above the following levels in an enzyme multiplied immunoassay	11940
technique screening test and above the levels established in	11941
division (B)(1)(c) of this section in a gas chromatography mass	11942
spectrometry test:	11943
(i) For amphetamines, one thousand nanograms per milliliter	11944
of urine;	11945
(ii) For cannabinoids, fifty nanograms per milliliter of	11946
urine;	11947
(iii) For cocaine, including crack cocaine, three hundred	11948
nanograms per milliliter of urine;	11949
(iv) For opiates, two thousand nanograms per milliliter of	11950
urine;	11951
(v) For phencyclidine, twenty-five nanograms per milliliter	11952
of urine.	11953
(c) The employee, through a qualifying chemical test	11954
administered within thirty-two hours of an injury, is determined	11955
to have one of the following controlled substances not prescribed	11956
by the employee's physician in the employee's system that tests	11957

above the following levels by a gas chromatography mass	11958
spectrometry test:	11959
(i) For amphetamines, five hundred nanograms per milliliter	11960
of urine;	11961
(ii) For cannabinoids, fifteen nanograms per milliliter of	11962
urine;	11963
(iii) For cocaine, including crack cocaine, one hundred fifty	11964
nanograms per milliliter of urine;	11965
(iv) For opiates, two thousand nanograms per milliliter of	11966
urine;	11967
(v) For phencyclidine, twenty-five nanograms per milliliter	11968
of urine.	11969
(d) The employee, through a qualifying chemical test	11970
administered within thirty-two hours of an injury, is determined	11971
to have barbiturates, benzodiazepines, methadone, or propoxyphene	11972
in the employee's system that tests above levels established by	11973
laboratories certified by the United States department of health	11974
and human services.	11975
(2) When the employee refuses to submit to a requested	11976
chemical test, on the condition that that employee is or was given	11977
notice that the refusal to submit to any chemical test described	11978
in division (B)(1) of this section may affect the employee's	11979
eligibility for compensation and benefits under this chapter and	11980
Chapter 4121. of the Revised Code.	11981
(C)(1) For purposes of division (B) of this section, a	11982
chemical test is a qualifying chemical test if it is administered	11983
to an employee after an injury under at least one of the following	11984
conditions:	11985
(a) When the employee's employer had reasonable cause to	11986
suspect that the employee may be intoxicated or under the	11987

influence of a controlled substance not prescribed by the 11988
employee's physician; 11989

(b) At the request of a police officer pursuant to section 11990
4511.191 of the Revised Code, and not at the request of the 11991
employee's employer; 11992

(c) At the request of a licensed physician who is not 11993
employed by the employee's employer, and not at the request of the 11994
employee's employer. 11995

(2) As used in division (C)(1)(a) of this section, 11996
"reasonable cause" means, but is not limited to, evidence that an 11997
employee is or was using alcohol or a controlled substance drawn 11998
from specific, objective facts and reasonable inferences drawn 11999
from these facts in light of experience and training. These facts 12000
and inferences may be based on, but are not limited to, any of the 12001
following: 12002

(a) Observable phenomena, such as direct observation of use, 12003
possession, or distribution of alcohol or a controlled substance, 12004
or of the physical symptoms of being under the influence of 12005
alcohol or a controlled substance, such as but not limited to 12006
slurred speech, dilated pupils, odor of alcohol or a controlled 12007
substance, changes in affect, or dynamic mood swings; 12008

(b) A pattern of abnormal conduct, erratic or aberrant 12009
behavior, or deteriorating work performance such as frequent 12010
absenteeism, excessive tardiness, or recurrent accidents, that 12011
appears to be related to the use of alcohol or a controlled 12012
substance, and does not appear to be attributable to other 12013
factors; 12014

(c) The identification of an employee as the focus of a 12015
criminal investigation into unauthorized possession, use, or 12016
trafficking of a controlled substance; 12017

(d) A report of use of alcohol or a controlled substance 12018

provided by a reliable and credible source; 12019

(e) Repeated or flagrant violations of the safety or work 12020
rules of the employee's employer, that are determined by the 12021
employee's supervisor to pose a substantial risk of physical 12022
injury or property damage and that appear to be related to the use 12023
of alcohol or a controlled substance and that do not appear 12024
attributable to other factors. 12025

(D) Nothing in this section shall be construed to affect the 12026
rights of an employer to test employees for alcohol or controlled 12027
substance abuse. 12028

(E) For the purpose of this section, laboratories certified 12029
by the United States department of health and human services or 12030
laboratories that meet or exceed the standards of that department 12031
for laboratory certification shall be used for processing the test 12032
results of a qualifying chemical test. 12033

(F) The written notice required by division (B) of this 12034
section shall be the same size or larger then the certificate of 12035
premium payment notice furnished by the bureau of workers' 12036
compensation and shall be posted by the employer in the same 12037
location as the certificate of premium payment notice or the 12038
certificate of self-insurance. 12039

(G) If a condition that pre-existed an injury is 12040
substantially aggravated by the injury, and that substantial 12041
aggravation is documented by objective diagnostic findings, 12042
objective clinical findings, or objective test results, no 12043
compensation or benefits are payable because of the pre-existing 12044
condition once that condition has returned to a level that would 12045
have existed without the injury. 12046

(H) Whenever, with respect to an employee of an employer who 12047
is subject to and has complied with this chapter, there is 12048
possibility of conflict with respect to the application of 12049

workers' compensation laws because the contract of employment is 12050
entered into and all or some portion of the work is or is to be 12051
performed in a state or states other than Ohio, the employer and 12052
the employee may agree to be bound by the laws of this state or by 12053
the laws of some other state in which all or some portion of the 12054
work of the employee is to be performed. The agreement shall be in 12055
writing and shall be filed with the bureau of workers' 12056
compensation within ten days after it is executed and shall remain 12057
in force until terminated or modified by agreement of the parties 12058
similarly filed. If the agreement is to be bound by the laws of 12059
this state and the employer has complied with this chapter, then 12060
the employee is entitled to compensation and benefits regardless 12061
of where the injury occurs or the disease is contracted and the 12062
rights of the employee and the employee's dependents under the 12063
laws of this state are the exclusive remedy against the employer 12064
on account of injury, disease, or death in the course of and 12065
arising out of the employee's employment. If the agreement is to 12066
be bound by the laws of another state and the employer has 12067
complied with the laws of that state, the rights of the employee 12068
and the employee's dependents under the laws of that state are the 12069
exclusive remedy against the employer on account of injury, 12070
disease, or death in the course of and arising out of the 12071
employee's employment without regard to the place where the injury 12072
was sustained or the disease contracted. 12073

If any employee or the employee's dependents are awarded 12074
workers' compensation benefits or recover damages from the 12075
employer under the laws of another state, the amount awarded or 12076
recovered, whether paid or to be paid in future installments, 12077
shall be credited on the amount of any award of compensation or 12078
benefits made to the employee or the employee's dependents by the 12079
bureau. 12080

If an employee is a resident of a state other than this state 12081

and is insured under the workers' compensation law or similar laws 12082
of a state other than this state, the employee and the employee's 12083
dependents are not entitled to receive compensation or benefits 12084
under this chapter, on account of injury, disease, or death 12085
arising out of or in the course of employment while temporarily 12086
within this state, and the rights of the employee and the 12087
employee's dependents under the laws of the other state are the 12088
exclusive remedy against the employer on account of the injury, 12089
disease, or death. 12090

(I) If an employee who is covered under the federal 12091
"Longshore and Harbor Workers' Compensation Act," 98 Stat. 1639, 12092
33 U.S.C. 901 et seq., is injured or contracts an occupational 12093
disease or dies as a result of an injury or occupational disease, 12094
and if that employee's or that employee's dependents' claim for 12095
compensation or benefits for that injury, occupational disease, or 12096
death is subject to the jurisdiction of that act, the employee or 12097
the employee's dependents are not entitled to apply for and shall 12098
not receive compensation or benefits under this chapter and 12099
Chapter 4121. of the Revised Code. The rights of such an employee 12100
and the employee's dependents under the federal "Longshore and 12101
Harbor Workers' Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et 12102
seq., are the exclusive remedy against the employer for that 12103
injury, occupational disease, or death. 12104

(J) Compensation or benefits are not payable to a claimant 12105
during the period of confinement of the claimant in any state or 12106
federal correctional institution, or in any county jail in lieu of 12107
incarceration in a state or federal correctional institution, 12108
whether in this or any other state for conviction of violation of 12109
any state or federal criminal law. 12110

Sec. 4131.03. (A) For the relief of persons who are entitled 12111
to receive benefits by virtue of the federal act, there is hereby 12112

established a coal-workers pneumoconiosis fund, which shall be 12113
separate from the funds established and administered pursuant to 12114
Chapter 4123. of the Revised Code. The fund shall consist of 12115
premiums and other payments thereto by subscribers who elect to 12116
subscribe to the fund to insure the payment of benefits required 12117
by the federal act. 12118

(B)(1) The coal-workers pneumoconiosis fund shall be in the 12119
custody of the treasurer of state. The bureau of workers' 12120
compensation shall make disbursements from the fund to those 12121
persons entitled to payment therefrom and in the amounts required 12122
pursuant to sections 4131.01 to 4131.06 of the Revised Code. All 12123
investment earnings of the fund shall be credited to the fund. 12124

(2) The administrator of workers' compensation may transfer a 12125
portion of the investment earnings credited to the coal-workers 12126
pneumoconiosis fund to the mine safety fund created in section 12127
1561.24 of the Revised Code for the purposes specified in that 12128
section. The administrator, with the advice and consent of the 12129
bureau of workers' compensation board of directors, shall adopt 12130
rules governing the transfer in order to ensure the solvency of 12131
the coal-workers pneumoconiosis fund. For that purpose, the rules 12132
may establish tests based on measures of net assets, liabilities, 12133
expenses, interest, dividend income, or other factors that the 12134
administrator determines appropriate that may be applied prior to 12135
a transfer. 12136

(C) The administrator ~~of workers' compensation~~ shall have the 12137
same powers to invest any of the surplus or reserve belonging to 12138
the coal-workers pneumoconiosis fund as are delegated to ~~him~~ the 12139
administrator under section 4123.44 of the Revised Code with 12140
respect to the state insurance fund. 12141

(D) If the administrator determines that reinsurance of the 12142
risks of the coal-workers pneumoconiosis fund is necessary to 12143
assure solvency of the fund, ~~he~~ the administrator may: 12144

(1) Enter into contracts for the purchase of reinsurance coverage of the risks of the fund with any company or agency authorized by law to issue contracts of reinsurance;	12145 12146 12147
(2) Pay the cost of reinsurance from the fund;	12148
(3) Include the costs of reinsurance as a liability and estimated liability of the fund.	12149 12150
Sec. 4301.355. (A) If a petition is filed under section 4301.333 of the Revised Code for the submission of the question or questions set forth in this section, it shall be held in the precinct as ordered by the board of elections under that section. The expense of holding the election shall be charged to the municipal corporation or township of which the precinct is a part.	12151 12152 12153 12154 12155 12156
(B) At the election, one or more of the following questions, as designated in a valid petition, shall be submitted to the electors of the precinct:	12157 12158 12159
(1) "Shall the sale of (insert beer, wine and mixed beverages, or spirituous liquor) be permitted by (insert name of applicant, liquor permit holder, or liquor agency store, including trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either intends to do, or does, business at the particular location), an (insert "applicant for" or "holder of" or "operator of") a (insert class name of liquor permit or permits followed by the words "liquor permit(s)" or, if appropriate, the words "liquor agency store for the State of Ohio"), who is engaged in the business of (insert general nature of the business in which applicant or liquor permit holder is engaged or will be engaged in at the particular location, as described in the petition) at (insert address of the particular location within the precinct as set forth in the petition) in this precinct?"	12160 12161 12162 12163 12164 12165 12166 12167 12168 12169 12170 12171 12172 12173 12174 12175

(2) "Shall the sale of (insert beer, wine and 12176
mixed beverages, or spirituous liquor) be permitted for sale on 12177
Sunday between the hours of (insert "ten a.m. and 12178
midnight" or "one p.m. and midnight") by (insert name 12179
of applicant, liquor permit holder, or liquor agency store, 12180
including trade or fictitious name under which applicant for, or 12181
holder of, liquor permit or liquor agency store either intends to 12182
do, or does, business at the particular location), an 12183
(insert "applicant for a D-6 liquor permit," "holder of a D-6 12184
liquor permit," "applicant for or holder of an A-1-A, A-2, C-1, 12185
C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, D-5f, 12186
D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, or D-7 liquor permit," if only 12187
the approval of beer sales is sought, or "liquor agency store") 12188
who is engaged in the business of (insert general 12189
nature of the business in which applicant or liquor permit holder 12190
is engaged or will be engaged in at the particular location, as 12191
described in the petition) at (insert address of the 12192
particular location within the precinct) in this precinct?" 12193

(C) The board of elections shall furnish printed ballots at 12194
the election as provided under section 3505.06 of the Revised 12195
Code, except that a separate ballot shall be used for the election 12196
under this section. The question set forth in this section shall 12197
be printed on each ballot, and the board shall insert in the 12198
question appropriate words to complete it. Votes shall be cast as 12199
provided under section 3505.06 of the Revised Code. 12200

Sec. 4301.404. (A) As used in this section, "center for the 12201
preservation of wild animals" means a conservation center located 12202
on not less than five thousand acres of land that provides 12203
scientific, educational, and recreational resources to advance the 12204
conservation of animal populations and habitats. 12205

(B) Sections 4301.32 to 4301.391 and 4305.14 of the Revised 12206

Code and the provisions for local option elections and the 12207
election on the repeal of Ohio Constitution, Article XV, Section 9 12208
in section 4303.29 of the Revised Code do not affect or prohibit 12209
the sale of beer or intoxicating liquor at a center for the 12210
preservation of wild animals if any permit holder for the premises 12211
operates pursuant to the authority of a D liquor permit issued 12212
pursuant to Chapter 4303. of the Revised Code. 12213

(C) Permit D-6 shall be issued to the holder of any D permit 12214
that authorizes the sale of intoxicating liquor and that is issued 12215
for a center for the preservation of wild animals to allow the 12216
sale of intoxicating liquor under the permit at the premises 12217
between the hours of one p.m. and midnight on Sunday, whether or 12218
not such sale has been authorized in an election held under 12219
section 4301.351 of the Revised Code. Notwithstanding section 12220
4301.351 of the Revised Code, the holder of a D permit issued for 12221
a center for the preservation of wild animals may sell beer on 12222
Sunday whether or not the sale of intoxicating liquor has been 12223
authorized in an election held under that section. 12224

Sec. 4301.421. (A) For the purposes of section 307.696 of the 12225
Revised Code, to pay the expenses of administering the tax, and to 12226
pay any or all of the charge the board of elections makes against 12227
the county to hold the election on the question of levying the 12228
tax, or for those purposes and to provide revenues to the county 12229
for permanent improvements, the board of county commissioners may 12230
levy a tax on the sale of beer at a rate not to exceed sixteen 12231
cents per gallon, on the sale of cider at a rate not to exceed 12232
twenty-four cents per gallon, and on the sale of wine and mixed 12233
beverages at a rate not to exceed thirty-two cents per gallon. The 12234
tax shall be imposed on all beer, cider, wine, and mixed beverages 12235
sold for resale at retail in the county, and on all beer, cider, 12236
wine, and mixed beverages sold at retail in the county by the 12237
manufacturer, bottler, importer, or other person upon which the 12238

tax has not been paid. The tax shall not be levied on the sale of 12239
wine to be used for known sacramental purposes. The tax may be 12240
levied for any number of years not exceeding twenty. The tax shall 12241
be in addition to the taxes imposed by sections 4301.42, 4301.43, 12242
4301.432, and 4305.01 of the Revised Code. The tax shall not be 12243
considered a cost in any computation required under rules of the 12244
liquor control commission regulating minimum prices or mark-ups. 12245
12246

Only one sale of the same article shall be used in computing, 12247
reporting, and paying the amount of tax due. 12248

The tax shall be levied pursuant to a resolution of the 12249
county commissioners approved by a majority of the electors in the 12250
county voting on the question of levying the tax, which resolution 12251
shall specify the rate of the tax, the number of years the tax 12252
will be levied, and the purposes for which the tax is levied. The 12253
election may be held on the date of a general election or special 12254
election held not sooner than seventy-five days after the date the 12255
board certifies its resolution to the board of elections. If 12256
approved by the electors, the tax shall take effect on the first 12257
day of the month specified in the resolution but not sooner than 12258
the first day of the month that is at least sixty days after the 12259
certification of the election results by the board of elections. A 12260
copy of the resolution levying the tax and the certification of 12261
the board of elections shall be certified to the tax commissioner 12262
at least sixty days prior to the date on which the tax is to 12263
become effective. 12264

A resolution under this section may be joined on the ballot 12265
as a single question with a resolution adopted under section 12266
307.697 or 5743.024 of the Revised Code to levy a tax for the same 12267
purposes and for the purpose of paying the expenses of 12268
administering the tax. The form of the ballot in an election held 12269
pursuant to this section shall be as prescribed in section 307.697 12270

of the Revised Code. 12271

(B) The board of county commissioners of a county in which a 12272
tax is imposed under this section on ~~the effective date of this~~ 12273
~~amendment~~ July 19, 1995, may levy a tax for the purpose of section 12274
307.673 of the Revised Code regardless of whether or not the 12275
cooperative agreement authorized under that section has been 12276
entered into prior to the day the resolution adopted under 12277
division (B)(1) or (2) of this section is adopted, and for the 12278
purpose of reimbursing a county for costs incurred in the 12279
construction of a sports facility pursuant to an agreement entered 12280
into by the county under section 307.696 of the Revised Code. The 12281
tax shall be levied and approved in one of the manners prescribed 12282
by division (B)(1) or (2) of this section. 12283

(1) The tax may be levied pursuant to a resolution adopted by 12284
a majority of the members of the board of county commissioners not 12285
later than ~~forty five days after the effective date of this~~ 12286
~~amendment~~ September 2, 1995. A board of county commissioners 12287
approving a tax under division (B)(1) of this section may approve 12288
a tax under division (D)(1) of section 307.697 or division (C)(1) 12289
of section 5743.024 of the Revised Code at the same time. Subject 12290
to the resolution being submitted to a referendum under sections 12291
305.31 to 305.41 of the Revised Code, the resolution shall take 12292
effect immediately, but the tax levied pursuant to the resolution 12293
shall not be levied prior to the day following the last day the 12294
tax levied pursuant to division (A) of this section may be levied. 12295

(2) The tax may be levied pursuant to a resolution adopted by 12296
a majority of the members of the board of county commissioners not 12297
later than ~~forty five days after the effective date of this~~ 12298
~~amendment~~ September 2, 1995, and approved by a majority of the 12299
electors of the county voting on the question of levying the tax 12300
at the next succeeding general election following ~~the effective~~ 12301
~~date of this amendment~~ July 19, 1995. The board of county 12302

commissioners shall certify a copy of the resolution to the board 12303
of elections immediately upon adopting a resolution under division 12304
(D)(2) of this section, and the board of elections shall place the 12305
question of levying the tax on the ballot at that election. The 12306
form of the ballot shall be as prescribed by division (C) of 12307
section 307.697 of the Revised Code, except that the phrase 12308
"paying not more than one-half of the costs of providing a sports 12309
facility together with related redevelopment and economic 12310
development projects" shall be replaced by the phrase "paying the 12311
costs of constructing or renovating a sports facility and 12312
reimbursing a county for costs incurred by the county in the 12313
construction of a sports facility," and the phrase ", beginning 12314
..... (here insert the earliest date the tax would take 12315
effect)" shall be appended after "years." A board of county 12316
commissioners submitting the question of a tax under division 12317
(B)(2) of this section may submit the question of a tax under 12318
division (D)(2) of section 307.697 or division (C)(2) of section 12319
5743.024 of the Revised Code as a single question, and the form of 12320
the ballot shall include each of the proposed taxes. 12321

If approved by a majority of electors voting on the question, 12322
the tax shall take effect on the day specified on the ballot, 12323
which shall not be earlier than the day following the last day the 12324
tax levied pursuant to division (A) of this section may be levied. 12325

The rate of a tax levied pursuant to division (B)(1) or (2) 12326
of this section shall not exceed the rate specified in division 12327
(A) of this section. A tax levied pursuant to division (B)(1) or 12328
(2) of this section may be levied for any number of years not 12329
exceeding twenty. 12330

A board of county commissioners adopting a resolution under 12331
division (B)(1) or (2) of this section shall certify a copy of the 12332
resolution to the tax commissioner immediately upon adoption of 12333
the resolution. 12334

(C) No tax shall be levied under this section on or after the 12335
effective date of the amendment of this section by of the 12336
127th general assembly. This division does not prevent the 12337
collection of any tax levied under this section before that date 12338
so long as that tax remains effective. 12339

Sec. 4301.424. (A) For the purpose of section 351.26 of the 12340
Revised Code and to pay any or all of the charge the board of 12341
elections makes against the county to hold the election on the 12342
question of levying the tax, the board of county commissioners, in 12343
the manner prescribed by division (A) of section 351.26 of the 12344
Revised Code, may levy a tax on each gallon of spirituous liquor; 12345
on the sale of beer; and on the sale of wine and mixed beverages. 12346
The tax on spirituous liquor shall be imposed on spirituous liquor 12347
sold to or purchased by liquor permit holders for resale, and sold 12348
at retail by the division of liquor control, in the county at a 12349
rate not greater than three dollars per gallon; the tax on beer, 12350
wine, and mixed beverages shall be imposed on all beer, wine, and 12351
mixed beverages sold for resale at retail in the county, and on 12352
all beer, wine, and mixed beverages sold at retail in the county 12353
by the manufacturer, bottler, importer, or other person and upon 12354
which the tax has not been paid. The rate of the tax on beer shall 12355
not exceed sixteen cents per gallon, and the rate of the tax on 12356
wine and mixed beverages shall not exceed thirty-two cents per 12357
gallon. Only one sale of the same article shall be used in 12358
computing, reporting, and paying the amount of tax due. The tax 12359
may be levied for any number of years not exceeding twenty. 12360

The tax shall be levied pursuant to a resolution of the board 12361
of county commissioners adopted as prescribed by division (A) of 12362
section 351.26 of the Revised Code and approved by a majority of 12363
the electors in the county voting on the question of levying the 12364
tax. The resolution shall specify the rates of the tax, the number 12365
of years the tax will be levied, and the purposes for which the 12366

tax is levied. Such election may be held on the date of a general 12367
or special election held not sooner than seventy-five days after 12368
the date the board certifies its resolution to the board of 12369
elections. If approved by the electors, the tax takes effect on 12370
the first day of the month specified in the resolution but not 12371
sooner than the first day of the month that is at least sixty days 12372
after the certification of the election results by the board of 12373
elections. A copy of the resolution levying the tax shall be 12374
certified to the division of liquor control and the tax 12375
commissioner at least sixty days prior to the date on which the 12376
tax is to become effective. 12377

(B) A resolution under this section may be joined on the 12378
ballot as a single question with a resolution adopted under 12379
section 5743.026 of the Revised Code to levy a tax for the same 12380
purposes, and for the purpose of paying the expenses of 12381
administering that tax. 12382

(C) The form of the ballot in an election held on the 12383
question of levying a tax proposed pursuant to this section shall 12384
be as prescribed by section 351.26 of the Revised Code. 12385

(D) No tax shall be levied under this section on or after the 12386
effective date of the amendment of this section by the capital 12387
appropriations act of the 127th general assembly. This division 12388
does not prevent the collection of any tax levied under this 12389
section before that date so long as that tax remains effective. 12390

Sec. 4301.432. For the purpose of encouraging the grape 12391
industries of the state, a tax is hereby levied on the sale or 12392
distribution of vermouth, sparkling and carbonated wine and 12393
champagne, and other wine, except for known sacramental purposes, 12394
at the rate of two cents per wine gallon, the tax to be paid by 12395
the holders of A-2 and, B-2a, B-5, and S permits or by any other 12396
person selling or distributing wine upon which no such tax has 12397

been paid. The treasurer of state shall credit to the Ohio grape 12398
industries fund created under section 924.54 of the Revised Code 12399
the moneys ~~he~~ the treasurer of state receives from this tax. 12400

Sec. 4301.441. Any information provided to a state agency by 12401
the department of taxation in accordance with division (C)(11) of 12402
section 5703.21 of the Revised Code shall not be disclosed 12403
publicly by that agency, except for purposes of enforcement, to 12404
deny the renewal of a liquor permit, or to report such information 12405
to the alcohol and tobacco tax and trade bureau in the United 12406
States department of the treasury. 12407

Sec. 4301.47. Every class A-1, A-2, and A-4 permit holder and 12408
each class B or S permit holder shall maintain and keep for a 12409
period of three years a record of the beer, wine, and mixed 12410
beverages purchased, distributed, or sold within this state by the 12411
permit holder, together with invoices, records, receipts, bills of 12412
lading, and other pertinent papers required by the tax 12413
commissioner and, upon demand by the tax commissioner, shall 12414
produce these records for a three-year period prior to the demand 12415
unless upon satisfactory proof it is shown that the nonproduction 12416
is due to causes beyond the permit holder's control. 12417

Sec. 4301.62. (A) As used in this section: 12418

(1) "Chauffeured limousine" means a vehicle registered under 12419
section 4503.24 of the Revised Code. 12420

(2) "Street," "highway," and "motor vehicle" have the same 12421
meanings as in section 4511.01 of the Revised Code. 12422

(B) No person shall have in the person's possession an opened 12423
container of beer or intoxicating liquor in any of the following 12424
circumstances: 12425

(1) In a state liquor store; 12426

(2) Except as provided in division (C) of this section, on the premises of the holder of any permit issued by the division of liquor control;	12427 12428 12429
(3) In any other public place;	12430
(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;	12431 12432 12433 12434 12435
(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.	12436 12437 12438 12439
(C)(1) A person may have in the person's possession an opened container of any of the following:	12440 12441
(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, <u>D-5l</u> , D-7, D-8, E, F, F-2, or F-5 permit;	12442 12443 12444 12445 12446
(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;	12447 12448 12449
(c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in section 4303.201 of the Revised Code;	12450 12451 12452
(d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the liquor control commission.	12453 12454 12455
(2) A person may have in the person's possession on an F	12456

liquor permit premises an opened container of beer or intoxicating 12457
liquor that was not purchased from the holder of the F permit if 12458
the premises for which the F permit is issued is a music festival 12459
and the holder of the F permit grants permission for that 12460
possession on the premises during the period for which the F 12461
permit is issued. As used in this division, "music festival" means 12462
a series of outdoor live musical performances, extending for a 12463
period of at least three consecutive days and located on an area 12464
of land of at least forty acres. 12465

(3)(a) A person may have in the person's possession on a D-2 12466
liquor permit premises an opened or unopened container of wine 12467
that was not purchased from the holder of the D-2 permit if the 12468
premises for which the D-2 permit is issued is an outdoor 12469
performing arts center, the person is attending an orchestral 12470
performance, and the holder of the D-2 permit grants permission 12471
for the possession and consumption of wine in certain 12472
predesignated areas of the premises during the period for which 12473
the D-2 permit is issued. 12474

(b) As used in division (C)(3)(a) of this section: 12475

(i) "Orchestral performance" means a concert comprised of a 12476
group of not fewer than forty musicians playing various musical 12477
instruments. 12478

(ii) "Outdoor performing arts center" means an outdoor 12479
performing arts center that is located on not less than eight 12480
hundred acres of land and that is open for performances from the 12481
first day of April to the last day of October of each year. 12482

(D) This section does not apply to a person who pays all or a 12483
portion of the fee imposed for the use of a chauffeured limousine 12484
pursuant to a prearranged contract, or the guest of the person, 12485
when all of the following apply: 12486

(1) The person or guest is a passenger in the limousine. 12487

(2) The person or guest is located in the limousine, but is 12488
not occupying a seat in the front compartment of the limousine 12489
where the operator of the limousine is located. 12490

(3) The limousine is located on any street, highway, or other 12491
public or private property open to the public for purposes of 12492
vehicular travel or parking. 12493

(E) An opened bottle of wine that was purchased from the 12494
holder of a permit that authorizes the sale of wine for 12495
consumption on the premises where sold is not an opened container 12496
for the purposes of this section if both of the following apply: 12497

(1) The opened bottle of wine is securely resealed by the 12498
permit holder or an employee of the permit holder before the 12499
bottle is removed from the premises. The bottle shall be secured 12500
in such a manner that it is visibly apparent if the bottle has 12501
been subsequently opened or tampered with. 12502

(2) The opened bottle of wine that is resealed in accordance 12503
with division (E)(1) of this section is stored in the trunk of a 12504
motor vehicle or, if the motor vehicle does not have a trunk, 12505
behind the last upright seat or in an area not normally occupied 12506
by the driver or passengers and not easily accessible by the 12507
driver. 12508

**Sec. 4303.03. Permit (A) Subject to division (B) of this 12509
section, permit A-2 may be issued to a manufacturer to manufacture 12510
wine from grapes or other fruits; to import and purchase wine in 12511
bond for blending purposes, the total amount of wine so imported 12512
during the year covered by the permit not to exceed forty per cent 12513
of all the wine manufactured and imported; to manufacture, 12514
purchase, and import brandy for fortifying purposes; and to sell 12515
those products either in glass or container for consumption on the 12516
premises where manufactured, in sealed containers for consumption 12517
off the premises where manufactured, and to wholesale permit 12518**

holders under the rules adopted by the division of liquor control. 12519
12520

(B)(1) The holder of an A-2 permit shall not sell directly to 12521
a retailer. In order to make sales to a retailer, the manufacturer 12522
shall obtain a B-2a permit or make the sale directly to a B-2 or 12523
B-5 permit holder for subsequent resale to a retailer. 12524

(2) The holder of an A-2 permit shall not sell directly to a 12525
consumer unless the product is sold on the premises in accordance 12526
with division (A) of this section. In order to make sales to a 12527
consumer off the premises where the wine is manufactured, the 12528
manufacturer shall obtain an S permit. 12529

(3) Nothing in this chapter prohibits an A-2 permit holder 12530
also holding a B-2a or S permit. 12531

(C) The fee for this permit is seventy-six dollars for each 12532
plant to which this permit is issued. 12533

Sec. 4303.071. (A)(1) Except as otherwise provided in 12534
division (A)(2) of this section, permit Permit B-2a may be issued 12535
to a person that manufactures wine, is the brand owner or United 12536
States importer of wine, or is the designated agent of a brand 12537
owner or importer for all wine sold in this state for that owner 12538
or importer, or manufactures wine if such manufacturer is entitled 12539
to a tax credit under 27 C.F.R. 24.278 and produces less than two 12540
hundred fifty thousand gallons of wine per year. If the person 12541
resides outside this state, the person shall comply with the 12542
requirements governing the issuance of licenses or permits that 12543
authorize the sale of intoxicating liquor by the appropriate 12544
authority of the state in which the person resides or by the 12545
alcohol and tobacco tax and trade bureau in the United States 12546
department of the treasury. 12547

(2) A B-2a permit shall only be issued to a manufacturer of 12548

~~wine that is entitled to a tax credit under 27 C.F.R. 24.278 and
that produces less than one hundred fifty thousand gallons of wine
per year.~~ 12549
12550
12551

~~(3)~~ The fee for the B-2a permit is twenty-five dollars. 12552

~~(4)~~(3) The holder of a B-2a permit may sell wine to a retail 12553
permit holder, but a B-2a permit holder that is a wine 12554
manufacturer may sell to a retail permit holder only wine that the 12555
B-2a permit holder has manufactured. 12556

~~(5)~~(4) The holder of a B-2a permit shall renew the permit in 12557
accordance with section 4303.271 of the Revised Code, except that 12558
renewal shall not be subject to the notice and hearing 12559
requirements established in division (B) of that section. 12560

(B) The holder of a B-2a permit shall collect and pay ~~all~~ 12561
~~applicable~~ the taxes relating to the delivery of a wine to a 12562
retailer ~~including, but not limited to, taxes that are~~ levied 12563
under sections 4301.421 and ~~4301.43~~ 4301.432 and Chapters 5739. 12564
and 5741. of the Revised Code. 12565

(C) The holder of a B-2a permit shall comply with this 12566
chapter, Chapter 4301. of the Revised Code, and any rules adopted 12567
by the liquor control commission under section 4301.03 of the 12568
Revised Code. 12569

Sec. 4303.181. (A) Permit D-5a may be issued either to the 12570
owner or operator of a hotel or motel that is required to be 12571
licensed under section 3731.03 of the Revised Code, that contains 12572
at least fifty rooms for registered transient guests or is owned 12573
by a state institution of higher education as defined in section 12574
3345.011 of the Revised Code or a private college or university, 12575
and that qualifies under the other requirements of this section, 12576
or to the owner or operator of a restaurant specified under this 12577
section, to sell beer and any intoxicating liquor at retail, only 12578

by the individual drink in glass and from the container, for 12579
consumption on the premises where sold, and to registered guests 12580
in their rooms, which may be sold by means of a controlled access 12581
alcohol and beverage cabinet in accordance with division (B) of 12582
section 4301.21 of the Revised Code; and to sell the same products 12583
in the same manner and amounts not for consumption on the premises 12584
as may be sold by holders of D-1 and D-2 permits. The premises of 12585
the hotel or motel shall include a retail food establishment or a 12586
food service operation licensed pursuant to Chapter 3717. of the 12587
Revised Code that operates as a restaurant for purposes of this 12588
chapter and that is affiliated with the hotel or motel and within 12589
or contiguous to the hotel or motel, and that serves food within 12590
the hotel or motel, but the principal business of the owner or 12591
operator of the hotel or motel shall be the accommodation of 12592
transient guests. In addition to the privileges authorized in this 12593
division, the holder of a D-5a permit may exercise the same 12594
privileges as the holder of a D-5 permit. 12595

The owner or operator of a hotel, motel, or restaurant who 12596
qualified for and held a D-5a permit on August 4, 1976, may, if 12597
the owner or operator held another permit before holding a D-5a 12598
permit, either retain a D-5a permit or apply for the permit 12599
formerly held, and the division of liquor control shall issue the 12600
permit for which the owner or operator applies and formerly held, 12601
notwithstanding any quota. 12602

A D-5a permit shall not be transferred to another location. 12603
No quota restriction shall be placed on the number of D-5a permits 12604
that may be issued. 12605

The fee for this permit is two thousand three hundred 12606
forty-four dollars. 12607

(B) Permit D-5b may be issued to the owner, operator, tenant, 12608
lessee, or occupant of an enclosed shopping center to sell beer 12609
and intoxicating liquor at retail, only by the individual drink in 12610

glass and from the container, for consumption on the premises 12611
where sold; and to sell the same products in the same manner and 12612
amount not for consumption on the premises as may be sold by 12613
holders of D-1 and D-2 permits. In addition to the privileges 12614
authorized in this division, the holder of a D-5b permit may 12615
exercise the same privileges as a holder of a D-5 permit. 12616

A D-5b permit shall not be transferred to another location. 12617

One D-5b permit may be issued at an enclosed shopping center 12618
containing at least two hundred twenty-five thousand, but less 12619
than four hundred thousand, square feet of floor area. 12620

Two D-5b permits may be issued at an enclosed shopping center 12621
containing at least four hundred thousand square feet of floor 12622
area. No more than one D-5b permit may be issued at an enclosed 12623
shopping center for each additional two hundred thousand square 12624
feet of floor area or fraction of that floor area, up to a maximum 12625
of five D-5b permits for each enclosed shopping center. The number 12626
of D-5b permits that may be issued at an enclosed shopping center 12627
shall be determined by subtracting the number of D-3 and D-5 12628
permits issued in the enclosed shopping center from the number of 12629
D-5b permits that otherwise may be issued at the enclosed shopping 12630
center under the formulas provided in this division. Except as 12631
provided in this section, no quota shall be placed on the number 12632
of D-5b permits that may be issued. Notwithstanding any quota 12633
provided in this section, the holder of any D-5b permit first 12634
issued in accordance with this section is entitled to its renewal 12635
in accordance with section 4303.271 of the Revised Code. 12636

The holder of a D-5b permit issued before April 4, 1984, 12637
whose tenancy is terminated for a cause other than nonpayment of 12638
rent, may return the D-5b permit to the division of liquor 12639
control, and the division shall cancel that permit. Upon 12640
cancellation of that permit and upon the permit holder's payment 12641
of taxes, contributions, premiums, assessments, and other debts 12642

owing or accrued upon the date of cancellation to this state and 12643
its political subdivisions and a filing with the division of a 12644
certification of that payment, the division shall issue to that 12645
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 12646
that person requests. The division shall issue the D-5 permit, or 12647
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 12648
D-3, or D-5 permits currently issued in the municipal corporation 12649
or in the unincorporated area of the township where that person's 12650
proposed premises is located equals or exceeds the maximum number 12651
of such permits that can be issued in that municipal corporation 12652
or in the unincorporated area of that township under the 12653
population quota restrictions contained in section 4303.29 of the 12654
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 12655
be transferred to another location. If a D-5b permit is canceled 12656
under the provisions of this paragraph, the number of D-5b permits 12657
that may be issued at the enclosed shopping center for which the 12658
D-5b permit was issued, under the formula provided in this 12659
division, shall be reduced by one if the enclosed shopping center 12660
was entitled to more than one D-5b permit under the formula. 12661

The fee for this permit is two thousand three hundred 12662
forty-four dollars. 12663

(C) Permit D-5c may be issued to the owner or operator of a 12664
retail food establishment or a food service operation licensed 12665
pursuant to Chapter 3717. of the Revised Code that operates as a 12666
restaurant for purposes of this chapter and that qualifies under 12667
the other requirements of this section to sell beer and any 12668
intoxicating liquor at retail, only by the individual drink in 12669
glass and from the container, for consumption on the premises 12670
where sold, and to sell the same products in the same manner and 12671
amounts not for consumption on the premises as may be sold by 12672
holders of D-1 and D-2 permits. In addition to the privileges 12673
authorized in this division, the holder of a D-5c permit may 12674

exercise the same privileges as the holder of a D-5 permit. 12675

To qualify for a D-5c permit, the owner or operator of a 12676
retail food establishment or a food service operation licensed 12677
pursuant to Chapter 3717. of the Revised Code that operates as a 12678
restaurant for purposes of this chapter, shall have operated the 12679
restaurant at the proposed premises for not less than twenty-four 12680
consecutive months immediately preceding the filing of the 12681
application for the permit, have applied for a D-5 permit no later 12682
than December 31, 1988, and appear on the division's quota waiting 12683
list for not less than six months immediately preceding the filing 12684
of the application for the permit. In addition to these 12685
requirements, the proposed D-5c permit premises shall be located 12686
within a municipal corporation and further within an election 12687
precinct that, at the time of the application, has no more than 12688
twenty-five per cent of its total land area zoned for residential 12689
use. 12690

A D-5c permit shall not be transferred to another location. 12691
No quota restriction shall be placed on the number of such permits 12692
that may be issued. 12693

Any person who has held a D-5c permit for at least two years 12694
may apply for a D-5 permit, and the division of liquor control 12695
shall issue the D-5 permit notwithstanding the quota restrictions 12696
contained in section 4303.29 of the Revised Code or in any rule of 12697
the liquor control commission. 12698

The fee for this permit is one thousand five hundred 12699
sixty-three dollars. 12700

(D) Permit D-5d may be issued to the owner or operator of a 12701
retail food establishment or a food service operation licensed 12702
pursuant to Chapter 3717. of the Revised Code that operates as a 12703
restaurant for purposes of this chapter and that is located at an 12704
airport operated by a board of county commissioners pursuant to 12705

section 307.20 of the Revised Code, at an airport operated by a port authority pursuant to Chapter 4582. of the Revised Code, or at an airport operated by a regional airport authority pursuant to Chapter 308. of the Revised Code. The holder of a D-5d permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized in this division, the holder of a D-5d permit may exercise the same privileges as the holder of a D-5 permit.

A D-5d permit shall not be transferred to another location. No quota restrictions shall be placed on the number of such permits that may be issued.

The fee for this permit is two thousand three hundred forty-four dollars.

(E) Permit D-5e may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, or that is a charitable organization under any chapter of the Revised Code, and that owns or operates a riverboat that meets all of the following:

- (1) Is permanently docked at one location;
- (2) Is designated as an historical riverboat by the Ohio historical society;
- (3) Contains not less than fifteen hundred square feet of floor area;
- (4) Has a seating capacity of fifty or more persons.

The holder of a D-5e permit may sell beer and intoxicating

liquor at retail, only by the individual drink in glass and from 12736
the container, for consumption on the premises where sold. 12737

A D-5e permit shall not be transferred to another location. 12738
No quota restriction shall be placed on the number of such permits 12739
that may be issued. The population quota restrictions contained in 12740
section 4303.29 of the Revised Code or in any rule of the liquor 12741
control commission shall not apply to this division, and the 12742
division shall issue a D-5e permit to any applicant who meets the 12743
requirements of this division. However, the division shall not 12744
issue a D-5e permit if the permit premises or proposed permit 12745
premises are located within an area in which the sale of 12746
spirituous liquor by the glass is prohibited. 12747

The fee for this permit is one thousand two hundred nineteen 12748
dollars. 12749

(F) Permit D-5f may be issued to the owner or operator of a 12750
retail food establishment or a food service operation licensed 12751
under Chapter 3717. of the Revised Code that operates as a 12752
restaurant for purposes of this chapter and that meets all of the 12753
following: 12754

(1) It contains not less than twenty-five hundred square feet 12755
of floor area. 12756

(2) It is located on or in, or immediately adjacent to, the 12757
shoreline of, a navigable river. 12758

(3) It provides docking space for twenty-five boats. 12759

(4) It provides entertainment and recreation, provided that 12760
not less than fifty per cent of the business on the permit 12761
premises shall be preparing and serving meals for a consideration. 12762

In addition, each application for a D-5f permit shall be 12763
accompanied by a certification from the local legislative 12764
authority that the issuance of the D-5f permit is not inconsistent 12765

with that political subdivision's comprehensive development plan 12766
or other economic development goal as officially established by 12767
the local legislative authority. 12768

The holder of a D-5f permit may sell beer and intoxicating 12769
liquor at retail, only by the individual drink in glass and from 12770
the container, for consumption on the premises where sold. 12771

A D-5f permit shall not be transferred to another location. 12772

The division of liquor control shall not issue a D-5f permit 12773
if the permit premises or proposed permit premises are located 12774
within an area in which the sale of spirituous liquor by the glass 12775
is prohibited. 12776

A fee for this permit is two thousand three hundred 12777
forty-four dollars. 12778

As used in this division, "navigable river" means a river 12779
that is also a "navigable water" as defined in the "Federal Power 12780
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 12781

(G) Permit D-5g may be issued to a nonprofit corporation that 12782
is either the owner or the operator of a national professional 12783
sports museum. The holder of a D-5g permit may sell beer and any 12784
intoxicating liquor at retail, only by the individual drink in 12785
glass and from the container, for consumption on the premises 12786
where sold. The holder of a D-5g permit shall sell no beer or 12787
intoxicating liquor for consumption on the premises where sold 12788
after one a.m. A D-5g permit shall not be transferred to another 12789
location. No quota restrictions shall be placed on the number of 12790
D-5g permits that may be issued. The fee for this permit is one 12791
thousand eight hundred seventy-five dollars. 12792

(H)(1) Permit D-5h may be issued to any nonprofit 12793
organization that is exempt from federal income taxation under the 12794
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 12795
501(c)(3), as amended, that owns or operates any of the following: 12796

(a) A fine arts museum, provided that the nonprofit organization has no less than one thousand five hundred bona fide members possessing full membership privileges;

(b) A community arts center. As used in division (H)(1)(b) of this section, "community arts center" means a facility that provides arts programming to the community in more than one arts discipline, including, but not limited to, exhibits of works of art and performances by both professional and amateur artists.

(c) A community theater, provided that the nonprofit organization is a member of the Ohio arts council and the American community theatre association and has been in existence for not less than ten years. As used in division (H)(1)(c) of this section, "community theater" means a facility that contains at least one hundred fifty seats and has a primary function of presenting live theatrical performances and providing recreational opportunities to the community.

(2) The holder of a D-5h permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. The holder of a D-5h permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after one a.m. A D-5h permit shall not be transferred to another location. No quota restrictions shall be placed on the number of D-5h permits that may be issued.

(3) The fee for a D-5h permit is one thousand eight hundred seventy-five dollars.

(I) Permit D-5i may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following requirements:

(1) It is located in a municipal corporation or a township	12828
with a population of one hundred thousand or less.	12829
(2) It has inside seating capacity for at least one hundred	12830
forty persons.	12831
(3) It has at least four thousand square feet of floor area.	12832
(4) It offers full-course meals, appetizers, and sandwiches.	12833
(5) Its receipts from beer and liquor sales, excluding wine	12834
sales, do not exceed twenty-five per cent of its total gross	12835
receipts.	12836
(6) It has at least one of the following characteristics:	12837
(a) The value of its real and personal property exceeds seven	12838
hundred twenty-five thousand dollars.	12839
(b) It is located on property that is owned or leased by the	12840
state or a state agency, and its owner or operator has	12841
authorization from the state or the state agency that owns or	12842
leases the property to obtain a D-5i permit.	12843
The holder of a D-5i permit shall cause an independent audit	12844
to be performed at the end of one full year of operation following	12845
issuance of the permit in order to verify the requirements of	12846
division (I)(5) of this section. The results of the independent	12847
audit shall be transmitted to the division. Upon determining that	12848
the receipts of the holder from beer and liquor sales, excluding	12849
wine sales, exceeded twenty-five per cent of its total gross	12850
receipts, the division shall suspend the permit of the permit	12851
holder under section 4301.25 of the Revised Code and may allow the	12852
permit holder to elect a forfeiture under section 4301.252 of the	12853
Revised Code.	12854
The holder of a D-5i permit may sell beer and any	12855
intoxicating liquor at retail, only by the individual drink in	12856
glass and from the container, for consumption on the premises	12857

where sold, and may sell the same products in the same manner and 12858
amounts not for consumption on the premises where sold as may be 12859
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 12860
permit shall sell no beer or intoxicating liquor for consumption 12861
on the premises where sold after two-thirty a.m. In addition to 12862
the privileges authorized in this division, the holder of a D-5i 12863
permit may exercise the same privileges as the holder of a D-5 12864
permit. 12865

A D-5i permit shall not be transferred to another location. 12866
The division of liquor control shall not renew a D-5i permit 12867
unless the retail food establishment or food service operation for 12868
which it is issued continues to meet the requirements described in 12869
divisions (I)(1) to (6) of this section. No quota restrictions 12870
shall be placed on the number of D-5i permits that may be issued. 12871
The fee for the D-5i permit is two thousand three hundred 12872
forty-four dollars. 12873

(J)(1) Permit D-5j may be issued to the owner or the operator 12874
of a retail food establishment or a food service operation 12875
licensed under Chapter 3717. of the Revised Code to sell beer and 12876
intoxicating liquor at retail, only by the individual drink in 12877
glass and from the container, for consumption on the premises 12878
where sold and to sell beer and intoxicating liquor in the same 12879
manner and amounts not for consumption on the premises where sold 12880
as may be sold by the holders of D-1 and D-2 permits. The holder 12881
of a D-5j permit may exercise the same privileges, and shall 12882
observe the same hours of operation, as the holder of a D-5 12883
permit. 12884

(2) The D-5j permit shall be issued only within a community 12885
entertainment district that is designated under section 4301.80 of 12886
the Revised Code and that meets one of the following 12887
qualifications: 12888

(a) It is located in a municipal corporation with a 12889

population of at least one hundred thousand. 12890

(b) It is located in a municipal corporation with a 12891
population of at least twenty thousand, and either of the 12892
following applies: 12893

(i) It contains an amusement park the rides of which have 12894
been issued a permit by the department of agriculture under 12895
Chapter 1711. of the Revised Code. 12896

(ii) Not less than fifty million dollars will be invested in 12897
development and construction in the community entertainment 12898
district's area located in the municipal corporation. 12899

(c) It is located in a township with a population of at least 12900
forty thousand. 12901

(d) It is located in a municipal corporation with a 12902
population of at least ten thousand, and not less than seventy 12903
million dollars will be invested in development and construction 12904
in the community entertainment district's area located in the 12905
municipal corporation. 12906

(3) The location of a D-5j permit may be transferred only 12907
within the geographic boundaries of the community entertainment 12908
district in which it was issued and shall not be transferred 12909
outside the geographic boundaries of that district. 12910

(4) Not more than one D-5j permit shall be issued within each 12911
community entertainment district for each five acres of land 12912
located within the district. Not more than fifteen D-5j permits 12913
may be issued within a single community entertainment district. 12914
Except as otherwise provided in division (J)(4) of this section, 12915
no quota restrictions shall be placed upon the number of D-5j 12916
permits that may be issued. 12917

(5) The fee for a D-5j permit is two thousand three hundred 12918
forty-four dollars. 12919

(K)(1) Permit D-5k may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, that is the owner or operator of a botanical garden recognized by the American association of botanical gardens and arboreta, and that has not less than twenty-five hundred bona fide members.

(2) The holder of a D-5k permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, on the premises where sold.

(3) The holder of a D-5k permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after one a.m.

(4) A D-5k permit shall not be transferred to another location.

(5) No quota restrictions shall be placed on the number of D-5k permits that may be issued.

(6) The fee for the D-5k permit is one thousand eight hundred seventy-five dollars.

(L) Permit D-51 may be issued to either the owner or the operator of a retail food establishment or food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located in, or affiliated with, a center for the preservation of wild animals as defined in section 4301.404 of the Revised Code, to sell beer and any intoxicating liquor at retail, only by the glass and from the container, for consumption on the premises where sold, and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-51 permit may exercise the same

privileges as the holder of a D-5 permit. 12951

A D-5l permit shall not be transferred to another location. 12952

No quota restrictions shall be placed on the number of D-5l 12953

permits that may be issued. The fee for a permit D-5l is two 12954

thousand three hundred forty-four dollars. 12955

Sec. 4303.182. (A) Except as otherwise provided in divisions 12956
(B) to (J) of this section, permit D-6 shall be issued to the 12957
holder of an A-1-A, A-2, C-2, D-2, D-3, D-3a, D-4, D-4a, D-5, 12958
D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 12959
D-5l, or D-7 permit to allow sale under that permit between the 12960
hours of ten a.m. and midnight, or between the hours of one p.m. 12961
and midnight, on Sunday, as applicable, if that sale has been 12962
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 12963
of the Revised Code and under the restrictions of that 12964
authorization. 12965

(B) Permit D-6 shall be issued to the holder of any permit, 12966
including a D-4a and D-5d permit, authorizing the sale of 12967
intoxicating liquor issued for a premises located at any publicly 12968
owned airport, as defined in section 4563.01 of the Revised Code, 12969
at which commercial airline companies operate regularly scheduled 12970
flights on which space is available to the public, to allow sale 12971
under such permit between the hours of ten a.m. and midnight on 12972
Sunday, whether or not that sale has been authorized under section 12973
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 12974

(C) Permit D-6 shall be issued to the holder of a D-5a 12975
permit, and to the holder of a D-3 or D-3a permit who is the owner 12976
or operator of a hotel or motel that is required to be licensed 12977
under section 3731.03 of the Revised Code, that contains at least 12978
fifty rooms for registered transient guests, and that has on its 12979
premises a retail food establishment or a food service operation 12980
licensed pursuant to Chapter 3717. of the Revised Code that 12981

operates as a restaurant for purposes of this chapter and is 12982
affiliated with the hotel or motel and within or contiguous to the 12983
hotel or motel and serving food within the hotel or motel, to 12984
allow sale under such permit between the hours of ten a.m. and 12985
midnight on Sunday, whether or not that sale has been authorized 12986
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 12987
Revised Code. 12988

(D) The holder of a D-6 permit that is issued to a sports 12989
facility may make sales under the permit between the hours of 12990
eleven a.m. and midnight on any Sunday on which a professional 12991
baseball, basketball, football, hockey, or soccer game is being 12992
played at the sports facility. As used in this division, "sports 12993
facility" means a stadium or arena that has a seating capacity of 12994
at least four thousand and that is owned or leased by a 12995
professional baseball, basketball, football, hockey, or soccer 12996
franchise or any combination of those franchises. 12997

(E) Permit D-6 shall be issued to the holder of any permit 12998
that authorizes the sale of beer or intoxicating liquor and that 12999
is issued to a premises located in or at the Ohio historical 13000
society area or the state fairgrounds, as defined in division (B) 13001
of section 4301.40 of the Revised Code, to allow sale under that 13002
permit between the hours of ten a.m. and midnight on Sunday, 13003
whether or not that sale has been authorized under section 13004
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 13005

(F) Permit D-6 shall be issued to the holder of any permit 13006
that authorizes the sale of intoxicating liquor and that is issued 13007
to an outdoor performing arts center to allow sale under that 13008
permit between the hours of one p.m. and midnight on Sunday, 13009
whether or not that sale has been authorized under section 13010
4301.361 of the Revised Code. A D-6 permit issued under this 13011
division is subject to the results of an election, held after the 13012
D-6 permit is issued, on question (B)(4) as set forth in section 13013

4301.351 of the Revised Code. Following the end of the period 13014
during which an election may be held on question (B)(4) as set 13015
forth in that section, sales of intoxicating liquor may continue 13016
at an outdoor performing arts center under a D-6 permit issued 13017
under this division, unless an election on that question is held 13018
during the permitted period and a majority of the voters voting in 13019
the precinct on that question vote "no." 13020

As used in this division, "outdoor performing arts center" 13021
means an outdoor performing arts center that is located on not 13022
less than eight hundred acres of land and that is open for 13023
performances from the first day of April to the last day of 13024
October of each year. 13025

(G) Permit D-6 shall be issued to the holder of any permit 13026
that authorizes the sale of beer or intoxicating liquor and that 13027
is issued to a golf course owned by the state, a conservancy 13028
district, a park district created under Chapter 1545. of the 13029
Revised Code, or another political subdivision to allow sale under 13030
that permit between the hours of ten a.m. and midnight on Sunday, 13031
whether or not that sale has been authorized under section 13032
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 13033

(H) Permit D-6 shall be issued to the holder of a D-5g permit 13034
to allow sale under that permit between the hours of ten a.m. and 13035
midnight on Sunday, whether or not that sale has been authorized 13036
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 13037
Revised Code. 13038

(I) Permit D-6 shall be issued to the holder of any D permit 13039
for a premises that is licensed under Chapter 3717. of the Revised 13040
Code and that is located at a ski area to allow sale under the D-6 13041
permit between the hours of ten a.m. and midnight on Sunday, 13042
whether or not that sale has been authorized under section 13043
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 13044

As used in this division, "ski area" means a ski area as 13045
defined in section 4169.01 of the Revised Code, provided that the 13046
passenger tramway operator at that area is registered under 13047
section 4169.03 of the Revised Code. 13048

(J) Permit D-6 shall be issued to the holder of a D-5j permit 13049
for a permit premises that is located in a community entertainment 13050
district, as defined in section 4301.80 of the Revised Code, that 13051
was approved by the legislative authority of a municipal 13052
corporation under that section between October 1 and October 15, 13053
2005, to allow sale under the permit between the hours of ten a.m. 13054
and midnight on Sunday, whether or not that sale has been 13055
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 13056
of the Revised Code. 13057

(K) If the restriction to licensed premises where the sale of 13058
food and other goods and services exceeds fifty per cent of the 13059
total gross receipts of the permit holder at the premises is 13060
applicable, the division of liquor control may accept an affidavit 13061
from the permit holder to show the proportion of the permit 13062
holder's gross receipts derived from the sale of food and other 13063
goods and services. If the liquor control commission determines 13064
that affidavit to have been false, it shall revoke the permits of 13065
the permit holder at the premises concerned. 13066

(L) The fee for the D-6 permit is five hundred dollars when 13067
it is issued to the holder of an A-1-A, A-2, D-2, D-3, D-3a, D-4, 13068
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 13069
D-5j, D-5k, D-5l, or D-7 permit. The fee for the D-6 permit is 13070
four hundred dollars when it is issued to the holder of a C-2 13071
permit. 13072

Sec. 4303.232. (A)(1) ~~Except as provided in division (A)(2)~~ 13073
~~of this section, permit Permit S may be issued to a person that~~ 13074
~~manufactures wine,~~ is the brand owner or United States importer of 13075

wine, ~~or~~ is the designated agent of a brand owner or importer for 13076
all wine sold in this state for that owner or importer, or 13077
manufactures wine if such manufacturer is entitled to a tax credit 13078
under 27 C.F.R. 24.278 and produces less than two hundred fifty 13079
thousand gallons of wine per year. If the person resides outside 13080
this state, the person shall comply with the requirements 13081
governing the issuance of licenses or permits that authorize the 13082
sale of intoxicating liquor by the appropriate authority of the 13083
state in which the person resides or by the alcohol and tobacco 13084
tax and trade bureau of the United States department of the 13085
treasury. 13086

~~(2) An S permit shall only be issued to a manufacturer of~~ 13087
~~wine that is entitled to a tax credit under 27 C.F.R. 24.278 and~~ 13088
~~that produces less than one hundred fifty thousand gallons of wine~~ 13089
~~per year.~~ 13090

~~(3)~~ The fee for the S permit is twenty-five dollars. 13091

~~(4)~~(3) The holder of an S permit may sell wine to a personal 13092
consumer by receiving and filling orders that the personal 13093
consumer submits to the permit holder. The permit holder shall 13094
sell only wine that the permit holder has manufactured to a 13095
personal consumer. 13096

~~(5)~~(4) The holder of an S permit shall renew the permit in 13097
accordance with section 4303.271 of the Revised Code, except that 13098
the renewal shall not be subject to the notice and hearing 13099
requirements established in division (B) of that section. 13100

~~(6)~~(5) The division of liquor control may refuse to renew an 13101
S permit for any of the reasons specified in section 4303.292 of 13102
the Revised Code or if the holder of the permit fails to do any of 13103
the following: 13104

(a) Collect and pay all applicable taxes specified in 13105
division (B) of this section; 13106

(b) Pay the permit fee; 13107

(c) Comply with this section or any rules adopted by the 13108
liquor control commission under section 4301.03 of the Revised 13109
Code. 13110

(B) The holder of an S permit shall collect and pay ~~all~~ 13111
~~applicable~~ the taxes relating to the delivery of wine to a 13112
personal consumer, ~~including, but not limited to, taxes that are~~ 13113
levied under sections 4301.421 and ~~4301.43~~ 4301.432 and Chapters 13114
5739. and 5741. of the Revised Code. 13115

(C)(1) The holder of an S permit shall send a shipment of 13116
wine that has been paid for by a personal consumer to that 13117
personal consumer via the holder of an H permit. Prior to sending 13118
a shipment of wine to a personal consumer, the holder of an S 13119
permit, or an employee of the permit holder, shall make a bona 13120
fide effort to ensure that the personal consumer is at least 13121
twenty-one years of age. The shipment of wine shall be shipped in 13122
a package that clearly has written on it in bold print the words 13123
"alcohol enclosed." No person shall fail to comply with division 13124
(C)(1) of this section. 13125

(2) Upon delivering a shipment of wine to a personal 13126
consumer, the holder of the H permit, or an employee of the permit 13127
holder, shall verify that the personal consumer is at least 13128
twenty-one years of age by checking the personal consumer's 13129
driver's or commercial driver's license or identification card 13130
issued under sections 4507.50 to 4507.52 of the Revised Code. 13131

(3) The holder of an S permit shall keep a record of each 13132
shipment of wine that the permit holder sends to a personal 13133
consumer. The records shall be used for all of the following: 13134

(a) To provide a copy of each wine shipment invoice to the 13135
tax commissioner in a manner prescribed by the commissioner. The 13136
invoice shall include the name of each personal consumer that 13137

purchased wine from the S permit holder in accordance with this 13138
section and any other information required by the tax 13139
commissioner. 13140

(b) To provide annually in electronic format by electronic 13141
means a report to the division. The report shall include the name 13142
and address of each personal consumer that purchased wine from the 13143
S permit holder in accordance with this section, the quantity of 13144
wine purchased by each personal consumer, and any other 13145
information requested by the division. The division shall 13146
prescribe and provide an electronic form for the report and shall 13147
determine the specific electronic means that the S permit holder 13148
must use to submit the report. 13149

(c) To notify a personal consumer of any health or welfare 13150
recalls of the wine that has been purchased by the personal 13151
consumer. 13152

(D) As used in this section, "personal consumer" means an 13153
individual who is at least twenty-one years of age, is a resident 13154
of this state, does not hold a permit issued under this chapter, 13155
and intends to use wine purchased in accordance with this section 13156
for personal consumption only and not for resale or other 13157
commercial purposes. 13158

(E) The holder of an S permit shall comply with this chapter, 13159
Chapter 4301. of the Revised Code, and any rules adopted by the 13160
liquor control commission under section 4301.03 of the Revised 13161
Code. 13162

Sec. 4303.233. No family household shall purchase more than 13163
twenty-four cases of ~~nine-liter~~ twelve bottles of seven hundred 13164
fifty milliliters of wine in one year. 13165

Sec. 4303.30. The rights granted by any D-2, D-3, D-3a, D-4, 13166
D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 13167

D-5l, or D-6 permit shall be exercised at not more than two fixed 13168
counters, commonly known as bars, in rooms or places on the permit 13169
premises, where beer, mixed beverages, wine, or spirituous liquor 13170
is sold to the public for consumption on the premises. For each 13171
additional fixed counter on the permit premises where those 13172
beverages are sold for consumption on the premises, the permit 13173
holder shall obtain a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, 13174
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, or D-6 13175
permit. 13176

The holder of any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, 13177
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, or D-6 permit 13178
shall be granted, upon application to the division of liquor 13179
control, a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, 13180
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, or D-6 permit for 13181
each additional fixed counter on the permit premises at which 13182
beer, mixed beverages, wine, or spirituous liquor is sold for 13183
consumption on the premises, provided the application is made in 13184
the same manner as an application for an original permit. The 13185
application shall be identified with DUPLICATE printed on the 13186
permit application form furnished by the department, in boldface 13187
type. The application shall identify by name, or otherwise amply 13188
describe, the room or place on the premises where the duplicate 13189
permit is to be operative. Each duplicate permit shall be issued 13190
only to the same individual, firm, or corporation as that of the 13191
original permit and shall be an exact duplicate in size and word 13192
content as the original permit, except that it shall show on it 13193
the name or other ample identification of the room, or place, for 13194
which it is issued and shall have DUPLICATE printed on it in 13195
boldface type. A duplicate permit shall bear the same number as 13196
the original permit. The fee for a duplicate permit is: D-1, one 13197
hundred dollars; D-2, one hundred dollars; D-3, four hundred 13198
dollars; D-3a, four hundred dollars; D-4, two hundred dollars; 13199
D-5, one thousand dollars; D-5a, one thousand dollars; D-5b, one 13200

thousand dollars; D-5c, four hundred dollars; D-5e, six hundred 13201
fifty dollars; D-5f, one thousand dollars; D-6, one hundred 13202
dollars when issued to the holder of a D-4a permit; and in all 13203
other cases one hundred dollars or an amount which is twenty per 13204
cent of the fees payable for the A-1-A, D-2, D-3, D-3a, D-4, D-5, 13205
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, and 13206
D-6 permits issued to the same premises, whichever is higher. 13207
Application for a duplicate permit may be filed any time during 13208
the life of an original permit. The fee for each duplicate D-2, 13209
D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, 13210
D-5i, D-5j, D-5k, D-5l, or D-6 permit shall be paid in accordance 13211
with section 4303.24 of the Revised Code. 13212

Sec. 4303.33. (A) Every A-1 permit holder in this state, 13213
every bottler, importer, wholesale dealer, broker, producer, or 13214
manufacturer of beer outside this state and within the United 13215
States, and every B-1 permit holder and importer importing beer 13216
from any manufacturer, bottler, person, or group of persons 13217
however organized outside the United States for sale or 13218
distribution for sale in this state, on or before the eighteenth 13219
day of each month, shall make and file with the tax commissioner 13220
upon a form prescribed by the tax commissioner an advance tax 13221
payment in an amount estimated to equal the taxpayer's tax 13222
liability for the month in which the advance tax payment is made. 13223
If the advance tax payment credits claimed on the report are for 13224
advance tax payments received by the tax commissioner on or before 13225
the eighteenth day of the month covered by the report, the 13226
taxpayer is entitled to an additional credit of three per cent of 13227
the advance tax payment and a discount of three per cent shall be 13228
allowed the taxpayer at the time of filing the report if filed as 13229
provided in division (B) of this section on any amount by which 13230
the tax liability reflected in the report exceeds the advance tax 13231
payment estimate by not more than ten per cent. The additional 13232

three per cent credit and three per cent discount shall be in 13233
consideration for advancing the payment of the tax and other 13234
services performed by the permit holder and other taxpayers in the 13235
collection of the tax. 13236

"Advance tax payment credit" means credit for payments made 13237
by an A-1 or B-1 permit holder and any other persons during the 13238
period covered by a report which was made in anticipation of the 13239
tax liability required to be reported on that report. 13240

"Tax liability" as used in division (A) of this section means 13241
the total gross tax liability of an A-1 or B-1 permit holder and 13242
any other persons for the period covered by a report before any 13243
allowance for credits and discount. 13244

(B) Every A-1 permit holder in this state, every bottler, 13245
importer, wholesale dealer, broker, producer, or manufacturer of 13246
beer outside this state and within the United States, and every 13247
B-1 permit holder importing beer from any manufacturer, bottler, 13248
person, or group of persons however organized outside the United 13249
States, on or before the tenth day of each month, shall make and 13250
file a report for the preceding month upon a form prescribed by 13251
the tax commissioner which report shall show the amount of beer 13252
produced, sold, and distributed for sale in this state by the A-1 13253
permit holder, sold and distributed for sale in this state by each 13254
manufacturer, bottler, importer, wholesale dealer, or broker 13255
outside this state and within the United States, and the amount of 13256
beer imported into this state from outside the United States and 13257
sold and distributed for sale in this state by the B-1 permit 13258
holder or importer. 13259

The report shall be filed by mailing it to the tax 13260
commissioner, together with payment of the tax levied by sections 13261
4301.42 and 4305.01 of the Revised Code shown to be due on the 13262
report after deduction of advance payment credits and any 13263
additional credits or discounts provided for under this section. 13264

(C)(1) Every A-2 ~~and~~, A-4, B-2, B-2a, B-3, B-4, ~~and~~ B-5, and 13265
S permit holder in this state, on or before the eighteenth day of 13266
each month, shall make and file a report with the tax commissioner 13267
upon a form prescribed by the tax commissioner which report shall 13268
show, on the report of each A-2 ~~and~~, A-4, B-2a, and S permit 13269
holder the amount of wine, cider, and mixed beverages produced and 13270
sold, or sold in this state by each such A-2 ~~and~~, A-4, B-2a, and S 13271
permit holder for the next preceding calendar month and such other 13272
information as the tax commissioner requires, and on the report of 13273
each such B-2, B-3, B-4, and B-5 permit holder the amount of wine, 13274
cider, and mixed beverages purchased from an importer, broker, 13275
wholesale dealer, producer, or manufacturer located outside this 13276
state and sold and distributed in this state by such B-2, B-3, 13277
B-4, and B-5 permit holder, for the next preceding calendar month 13278
and such other information as the tax commissioner requires. 13279

(2) Every such A-2, A-4, B-2, B-2a, B-3, B-4, ~~and~~ B-5, and S 13280
permit holder in this state shall remit with the report the tax 13281
levied by sections 4301.43 and, if applicable, 4301.432 of the 13282
Revised Code less a discount thereon of three per cent of the 13283
total tax so levied and paid, provided the return is filed 13284
together with remittance of the amount of tax shown to be due 13285
thereon, within the time prescribed. Any permit holder or other 13286
persons who fail to file a report under this section, for each day 13287
the person so fails, may be required to forfeit and pay into the 13288
state treasury the sum of one dollar as revenue arising from the 13289
tax imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of 13290
the Revised Code, and that sum may be collected by assessment in 13291
the manner provided in section 4305.13 of the Revised Code. 13292

(3) If the tax commissioner determines that the quantity 13293
reported by a person does not warrant monthly reporting, the 13294
commissioner may authorize the filing of returns and the payment 13295
of the tax required by this section for periods longer than one 13296

month. 13297

(D) Every B-1 permit holder and importer in this state 13298
importing beer from any manufacturer, bottler, person, or group of 13299
persons however organized, outside the United States, if required 13300
by the tax commissioner shall post a bond payable to the state in 13301
such form and amount as the commissioner prescribes with surety to 13302
the satisfaction of the tax commissioner, conditioned upon the 13303
payment to the tax commissioner of taxes levied by sections 13304
4301.42 and 4305.01 of the Revised Code. 13305

(E) No such wine, beer, cider, or mixed beverages sold or 13306
distributed in this state shall be taxed more than once under 13307
sections 4301.42, 4301.43, and 4305.01 of the Revised Code. 13308

(F) As used in this section: 13309

(1) "Cider" has the same meaning as in section 4301.01 of the 13310
Revised Code. 13311

(2) "Wine" has the same meaning as in section 4301.01 of the 13312
Revised Code, except that "wine" does not include cider. 13313

(G) All money collected by the tax commissioner under this 13314
section shall be paid to the treasurer of state as revenue arising 13315
from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 13316
4305.01 of the Revised Code. 13317

Sec. 4303.333. (A) An A-2 permit holder in this state whose 13318
total production of wine, wherever produced, which but for this 13319
exemption is taxable under section 4301.43 of the Revised Code 13320
does not exceed five hundred thousand gallons in a calendar year, 13321
shall be allowed an exemption from the taxes levied ~~in the~~ 13322
~~following calendar year~~ under section 4301.43 of the Revised Code 13323
on wine produced and sold or distributed in this state. The 13324
exemption may be claimed monthly against current taxes levied 13325
under such section as the reports required by section 4303.33 of 13326

the Revised Code are due. At the time the report for December is 13327
due for a calendar year during which a permit holder ~~is eligible~~ 13328
~~to receive~~ claimed an exemption under this section, if the permit 13329
holder has paid the tax levied under section 4301.43 of the 13330
Revised Code, the permit holder may claim a refund of such tax 13331
paid during the calendar year or shall remit any additional tax 13332
due because it did not qualify for the exemption on the December 13333
report. For the purpose of providing this refund, taxes previously 13334
paid under section 4303.33 of the Revised Code during the calendar 13335
year shall not be considered final until the December report is 13336
filed. ~~The~~ 13337

(B) ~~The~~ tax commissioner shall prescribe forms for and allow 13338
the exemptions and refunds authorized by this section. 13339

Sec. 4399.12. No provision contained in Title XLIII of the 13340
Revised Code that prohibits the sale of intoxicating liquors in 13341
any of the circumstances described in section 4399.11 of the 13342
Revised Code extends to or prevents the holder of an A, B, C-2, 13343
D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, 13344
D-5h, D-5i, D-5j, D-5k, D-5l, G, or I permit issued by the 13345
division of liquor control from distributing or selling 13346
intoxicating liquor at the place of business described in the 13347
permit of the holder. 13348

Sec. 4510.10. (A) As used in this section, "reinstatement 13349
fees" means the fees that are required under section 4507.1612, 13350
4507.45, 4509.101, 4509.81, 4511.191, 4511.951, or any other 13351
provision of the Revised Code, or under a schedule established by 13352
the bureau of motor vehicles, in order to reinstate a driver's or 13353
commercial driver's license or permit or nonresident operating 13354
privilege of an offender under a suspension. 13355

(B) Reinstatement fees are those fees that compensate the 13356

bureau of motor vehicles for suspensions, cancellations, or 13357
disqualifications of a person's driving privileges and to 13358
compensate the bureau and other agencies in their administration 13359
of programs intended to reduce and eliminate threats to public 13360
safety through education, treatment, and other activities. The 13361
registrar of motor vehicles shall not reinstate a driver's or 13362
commercial driver's license or permit or nonresident operating 13363
privilege of a person until the person has paid all reinstatement 13364
fees and has complied with all conditions for each suspension, 13365
cancellation, or disqualification incurred by that person. 13366

(C) When a municipal court or county court determines in a 13367
pending case involving an offender that the offender cannot 13368
reasonably pay reinstatement fees due and owing by the offender 13369
relative to one or more suspensions that have been or will be 13370
imposed by the bureau of motor vehicles or by a court of this 13371
state, the court, by order, may undertake an installment payment 13372
plan or a payment extension plan for the payment of reinstatement 13373
fees due and owing to the bureau in that pending case. The court 13374
shall establish an installment payment plan or a payment extension 13375
plan under this division in accordance with the requirements of 13376
divisions (D)(1) and (2) of this section. 13377

(D) Independent of the provisions of division (C) of this 13378
section, an offender who cannot reasonably pay reinstatement fees 13379
due and owing by the offender relative to a suspension that has 13380
been imposed on the offender may file a petition in the municipal 13381
court, county court, or, if the person is under the age of 13382
eighteen, the juvenile division of the court of common pleas in 13383
whose jurisdiction the person resides or, if the person is not a 13384
resident of this state, in the Franklin county municipal court or 13385
juvenile division of the Franklin county court of common pleas for 13386
an order that does either of the following, in order of 13387
preference: 13388

(1) Establishes a reasonable payment plan of not less than 13389
fifty dollars per month, to be paid by the offender to the bureau 13390
of motor vehicles in all succeeding months until all reinstatement 13391
fees required of the offender are paid in full; 13392

(2) If the offender, but for the payment of the reinstatement 13393
fees, otherwise would be entitled to operate a vehicle in this 13394
state or to obtain reinstatement of the offender's operating 13395
privileges, permits the offender to operate a motor vehicle, as 13396
authorized by the court, until a future date upon which date all 13397
reinstatement fees must be paid in full. A payment extension 13398
granted under this division shall not exceed one hundred eighty 13399
days, and any operating privileges granted under this division 13400
shall be solely for the purpose of permitting the offender 13401
occupational or "family necessity" privileges in order to enable 13402
the offender to reasonably acquire the delinquent reinstatement 13403
fees due and owing. 13404

~~(D)~~(E) If a municipal court, county court, or juvenile 13405
division enters an order of the type described in division (C) or 13406
division (D)(1) or (2) of this section, the court, at any time 13407
after the issuance of the order, may determine that a change of 13408
circumstances has occurred and may amend the order as justice 13409
requires, provided that the amended order also shall be an order 13410
that is permitted under division (C) or division (D)(1) or (2) of 13411
this section. 13412

~~(E)~~(F) If a court enters an order of the type described in 13413
division (C), (D)(1), ~~(C)~~(D)(2), or ~~(D)~~(E) of this section, during 13414
the pendency of the order, the offender in relation to whom it 13415
applies is not subject to prosecution for failing to pay the 13416
reinstatement fees covered by the order. 13417

~~(F)~~(G) Reinstatement fees are debts that may be discharged in 13418
bankruptcy. 13419

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 13420
the Revised Code: 13421

(A) "Vehicle" means every device, including a motorized 13422
bicycle, in, upon, or by which any person or property may be 13423
transported or drawn upon a highway, except that "vehicle" does 13424
not include any motorized wheelchair, any electric personal 13425
assistive mobility device, any device that is moved by power 13426
collected from overhead electric trolley wires or that is used 13427
exclusively upon stationary rails or tracks, or any device, other 13428
than a bicycle, that is moved by human power. 13429

(B) "Motor vehicle" means every vehicle propelled or drawn by 13430
power other than muscular power or power collected from overhead 13431
electric trolley wires, except motorized bicycles, road rollers, 13432
traction engines, power shovels, power cranes, and other equipment 13433
used in construction work and not designed for or employed in 13434
general highway transportation, hole-digging machinery, 13435
well-drilling machinery, ditch-digging machinery, farm machinery, 13436
and trailers designed and used exclusively to transport a boat 13437
between a place of storage and a marina, or in and around a 13438
marina, when drawn or towed on a street or highway for a distance 13439
of no more than ten miles and at a speed of twenty-five miles per 13440
hour or less. 13441

(C) "Motorcycle" means every motor vehicle, other than a 13442
tractor, having a seat or saddle for the use of the operator and 13443
designed to travel on not more than three wheels in contact with 13444
the ground, including, but not limited to, motor vehicles known as 13445
"motor-driven cycle," "motor scooter," or "motorcycle" without 13446
regard to weight or brake horsepower. 13447

(D) "Emergency vehicle" means emergency vehicles of 13448
municipal, township, or county departments or public utility 13449
corporations when identified as such as required by law, the 13450

director of public safety, or local authorities, and motor 13451
vehicles when commandeered by a police officer. 13452

(E) "Public safety vehicle" means any of the following: 13453

(1) Ambulances, including private ambulance companies under 13454
contract to a municipal corporation, township, or county, and 13455
private ambulances and nontransport vehicles bearing license 13456
plates issued under section 4503.49 of the Revised Code; 13457

(2) Motor vehicles used by public law enforcement officers or 13458
other persons sworn to enforce the criminal and traffic laws of 13459
the state; 13460

(3) Any motor vehicle when properly identified as required by 13461
the director of public safety, when used in response to fire 13462
emergency calls or to provide emergency medical service to ill or 13463
injured persons, and when operated by a duly qualified person who 13464
is a member of a volunteer rescue service or a volunteer fire 13465
department, and who is on duty pursuant to the rules or directives 13466
of that service. The state fire marshal shall be designated by the 13467
director of public safety as the certifying agency for all public 13468
safety vehicles described in division (E)(3) of this section. 13469

(4) Vehicles used by fire departments, including motor 13470
vehicles when used by volunteer fire fighters responding to 13471
emergency calls in the fire department service when identified as 13472
required by the director of public safety. 13473

Any vehicle used to transport or provide emergency medical 13474
service to an ill or injured person, when certified as a public 13475
safety vehicle, shall be considered a public safety vehicle when 13476
transporting an ill or injured person to a hospital regardless of 13477
whether such vehicle has already passed a hospital. 13478

(5) Vehicles used by the motor carrier enforcement unit for 13479
the enforcement of orders and rules of the public utilities 13480
commission as specified in section 5503.34 of the Revised Code. 13481

(F) "School bus" means every bus designed for carrying more than nine passengers that is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function, provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporation, nor a common passenger carrier certified by the public utilities commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function, and "school bus" does not include a van or bus used by a licensed child day-care center or type A family day-care home to transport children from the child day-care center or type A family day-care home to a school if the van or bus does not have more than fifteen children in the van or bus at any time.

(G) "Bicycle" means every device, other than a tricycle designed solely for use as a play vehicle by a child, propelled solely by human power upon which any person may ride having either two tandem wheels, or one wheel in the front and two wheels in the rear, any of which is more than fourteen inches in diameter.

(H) "Motorized bicycle" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled and is equipped with a helper motor of not more than fifty cubic centimeters piston displacement that produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface.

(I) "Commercial tractor" means every motor vehicle having 13514
motive power designed or used for drawing other vehicles and not 13515
so constructed as to carry any load thereon, or designed or used 13516
for drawing other vehicles while carrying a portion of such other 13517
vehicles, or load thereon, or both. 13518

(J) "Agricultural tractor" means every self-propelling 13519
vehicle designed or used for drawing other vehicles or wheeled 13520
machinery but having no provision for carrying loads independently 13521
of such other vehicles, and used principally for agricultural 13522
purposes. 13523

(K) "Truck" means every motor vehicle, except trailers and 13524
semitrailers, designed and used to carry property. 13525

(L) "Bus" means every motor vehicle designed for carrying 13526
more than nine passengers and used for the transportation of 13527
persons other than in a ridesharing arrangement, and every motor 13528
vehicle, automobile for hire, or funeral car, other than a taxicab 13529
or motor vehicle used in a ridesharing arrangement, designed and 13530
used for the transportation of persons for compensation. 13531

(M) "Trailer" means every vehicle designed or used for 13532
carrying persons or property wholly on its own structure and for 13533
being drawn by a motor vehicle, including any such vehicle when 13534
formed by or operated as a combination of a "semitrailer" and a 13535
vehicle of the dolly type, such as that commonly known as a 13536
"trailer dolly," a vehicle used to transport agricultural produce 13537
or agricultural production materials between a local place of 13538
storage or supply and the farm when drawn or towed on a street or 13539
highway at a speed greater than twenty-five miles per hour, and a 13540
vehicle designed and used exclusively to transport a boat between 13541
a place of storage and a marina, or in and around a marina, when 13542
drawn or towed on a street or highway for a distance of more than 13543
ten miles or at a speed of more than twenty-five miles per hour. 13544

(N) "Semitrailer" means every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.

(O) "Pole trailer" means every trailer or semitrailer attached to the towing vehicle by means of a reach, pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(P) "Railroad" means a carrier of persons or property operating upon rails placed principally on a private right-of-way.

(Q) "Railroad train" means a steam engine or an electric or other motor, with or without cars coupled thereto, operated by a railroad.

(R) "Streetcar" means a car, other than a railroad train, for transporting persons or property, operated upon rails principally within a street or highway.

(S) "Trackless trolley" means every car that collects its power from overhead electric trolley wires and that is not operated upon rails or tracks.

(T) "Explosives" means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb. Manufactured articles shall not be held to be explosives when the individual

units contain explosives in such limited quantities, of such 13576
nature, or in such packing, that it is impossible to procure a 13577
simultaneous or a destructive explosion of such units, to the 13578
injury of life, limb, or property by fire, by friction, by 13579
concussion, by percussion, or by a detonator, such as fixed 13580
ammunition for small arms, firecrackers, or safety fuse matches. 13581

(U) "Flammable liquid" means any liquid that has a flash 13582
point of seventy degrees fahrenheit, or less, as determined by a 13583
tagliabue or equivalent closed cup test device. 13584

(V) "Gross weight" means the weight of a vehicle plus the 13585
weight of any load thereon. 13586

(W) "Person" means every natural person, firm, 13587
co-partnership, association, or corporation. 13588

(X) "Pedestrian" means any natural person afoot. 13589

(Y) "Driver or operator" means every person who drives or is 13590
in actual physical control of a vehicle, trackless trolley, or 13591
streetcar. 13592

(Z) "Police officer" means every officer authorized to direct 13593
or regulate traffic, or to make arrests for violations of traffic 13594
regulations. 13595

(AA) "Local authorities" means every county, municipal, and 13596
other local board or body having authority to adopt police 13597
regulations under the constitution and laws of this state. 13598

(BB) "Street" or "highway" means the entire width between the 13599
boundary lines of every way open to the use of the public as a 13600
thoroughfare for purposes of vehicular travel. 13601

(CC) "Controlled-access highway" means every street or 13602
highway in respect to which owners or occupants of abutting lands 13603
and other persons have no legal right of access to or from the 13604
same except at such points only and in such manner as may be 13605

determined by the public authority having jurisdiction over such street or highway. 13606
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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. 13608
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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. 13612
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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. 13617
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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. 13620
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(HH) "Through highway" means every street or highway as provided in section 4511.65 of the Revised Code. 13623
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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. 13625
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(JJ) "State route" means every highway that is designated with an official state route number and so marked. 13632
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(KK) "Intersection" means: 13634

(1) The area embraced within the prolongation or connection 13635

of the lateral curb lines, or, if none, then the lateral boundary 13636
lines of the roadways of two highways which join one another at, 13637
or approximately at, right angles, or the area within which 13638
vehicles traveling upon different highways joining at any other 13639
angle may come in conflict. 13640

(2) Where a highway includes two roadways thirty feet or more 13641
apart, then every crossing of each roadway of such divided highway 13642
by an intersecting highway shall be regarded as a separate 13643
intersection. If an intersecting highway also includes two 13644
roadways thirty feet or more apart, then every crossing of two 13645
roadways of such highways shall be regarded as a separate 13646
intersection. 13647

(3) The junction of an alley with a street or highway, or 13648
with another alley, shall not constitute an intersection. 13649

(LL) "Crosswalk" means: 13650

(1) That part of a roadway at intersections ordinarily 13651
included within the real or projected prolongation of property 13652
lines and curb lines or, in the absence of curbs, the edges of the 13653
traversable roadway; 13654

(2) Any portion of a roadway at an intersection or elsewhere, 13655
distinctly indicated for pedestrian crossing by lines or other 13656
markings on the surface; 13657

(3) Notwithstanding divisions (LL)(1) and (2) of this 13658
section, there shall not be a crosswalk where local authorities 13659
have placed signs indicating no crossing. 13660

(MM) "Safety zone" means the area or space officially set 13661
apart within a roadway for the exclusive use of pedestrians and 13662
protected or marked or indicated by adequate signs as to be 13663
plainly visible at all times. 13664

(NN) "Business district" means the territory fronting upon a 13665

street or highway, including the street or highway, between 13666
successive intersections within municipal corporations where fifty 13667
per cent or more of the frontage between such successive 13668
intersections is occupied by buildings in use for business, or 13669
within or outside municipal corporations where fifty per cent or 13670
more of the frontage for a distance of three hundred feet or more 13671
is occupied by buildings in use for business, and the character of 13672
such territory is indicated by official traffic control devices. 13673

(OO) "Residence district" means the territory, not comprising 13674
a business district, fronting on a street or highway, including 13675
the street or highway, where, for a distance of three hundred feet 13676
or more, the frontage is improved with residences or residences 13677
and buildings in use for business. 13678

(PP) "Urban district" means the territory contiguous to and 13679
including any street or highway which is built up with structures 13680
devoted to business, industry, or dwelling houses situated at 13681
intervals of less than one hundred feet for a distance of a 13682
quarter of a mile or more, and the character of such territory is 13683
indicated by official traffic control devices. 13684

(QQ) "Traffic control devices" means all flaggers, signs, 13685
signals, markings, and devices placed or erected by authority of a 13686
public body or official having jurisdiction, for the purpose of 13687
regulating, warning, or guiding traffic, including signs denoting 13688
names of streets and highways. 13689

(RR) "Traffic control signal" means any device, whether 13690
manually, electrically, or mechanically operated, by which traffic 13691
is alternately directed to stop, to proceed, to change direction, 13692
or not to change direction. 13693

(SS) "Railroad sign or signal" means any sign, signal, or 13694
device erected by authority of a public body or official or by a 13695
railroad and intended to give notice of the presence of railroad 13696

tracks or the approach of a railroad train. 13697

(TT) "Traffic" means pedestrians, ridden or herded animals, 13698
vehicles, streetcars, trackless trolleys, and other devices, 13699
either singly or together, while using any highway for purposes of 13700
travel. 13701

(UU) "Right-of-way" means either of the following, as the 13702
context requires: 13703

(1) The right of a vehicle, streetcar, trackless trolley, or 13704
pedestrian to proceed uninterruptedly in a lawful manner in the 13705
direction in which it or the individual is moving in preference to 13706
another vehicle, streetcar, trackless trolley, or pedestrian 13707
approaching from a different direction into its or the 13708
individual's path; 13709

(2) A general term denoting land, property, or the interest 13710
therein, usually in the configuration of a strip, acquired for or 13711
devoted to transportation purposes. When used in this context, 13712
right-of-way includes the roadway, shoulders or berm, ditch, and 13713
slopes extending to the right-of-way limits under the control of 13714
the state or local authority. 13715

(VV) "Rural mail delivery vehicle" means every vehicle used 13716
to deliver United States mail on a rural mail delivery route. 13717

(WW) "Funeral escort vehicle" means any motor vehicle, 13718
including a funeral hearse, while used to facilitate the movement 13719
of a funeral procession. 13720

(XX) "Alley" means a street or highway intended to provide 13721
access to the rear or side of lots or buildings in urban districts 13722
and not intended for the purpose of through vehicular traffic, and 13723
includes any street or highway that has been declared an "alley" 13724
by the legislative authority of the municipal corporation in which 13725
such street or highway is located. 13726

(YY) "Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access. 13727
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(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. 13730
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(AAA) "Thruway" means a through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited. 13733
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(BBB) "Stop intersection" means any intersection at one or more entrances of which stop signs are erected. 13736
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(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. 13738
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(DDD) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools. 13743
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(EEE) "Motorized wheelchair" means any self-propelled vehicle designed for, and used by, a handicapped person and that is incapable of a speed in excess of eight miles per hour. 13747
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(FFF) "Child day-care center" and "type A family day-care home" have the same meanings as in section 5104.01 of the Revised Code. 13750
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(GGG) "Multi-wheel agricultural tractor" means a type of agricultural tractor that has two or more wheels or tires on each side of one axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision 13753
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for carrying loads independently of the drawn vehicles or 13757
machinery, and is used principally for agricultural purposes. 13758

(HHH) "Operate" means to cause or have caused movement of a 13759
vehicle, streetcar, or trackless trolley. 13760

(III) "Predicate motor vehicle or traffic offense" means any 13761
of the following: 13762

(1) A violation of section 4511.03, 4511.051, 4511.12, 13763
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 13764
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 13765
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 13766
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 13767
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 13768
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 13769
4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 13770
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 13771
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 13772
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 13773

(2) A violation of division (A)(2) of section 4511.17, 13774
divisions (A) to (D) of section 4511.51, or division (A) of 13775
section 4511.74 of the Revised Code; 13776

(3) A violation of any provision of sections 4511.01 to 13777
4511.76 of the Revised Code for which no penalty otherwise is 13778
provided in the section that contains the provision violated; 13779

(4) A violation of a municipal ordinance that is 13780
substantially similar to any section or provision set forth or 13781
described in division (III)(1), (2), or (3) of this section. 13782

Sec. 4511.181. As used in sections 4511.181 to 4511.197 of 13783
the Revised Code: 13784

(A) "Equivalent offense" means any of the following: 13785

(1) A violation of division (A) or (B) of section 4511.19 of 13786

the Revised Code;	13787
(2) A violation of a municipal OVI ordinance;	13788
(3) A violation of section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section;	13789 13790 13791
(4) A violation of division (A)(1) of section 2903.06 or 2903.08 of the Revised Code or a municipal ordinance that is substantially equivalent to either of those divisions;	13792 13793 13794
(5) A violation of division (A)(2), (3), or (4) of section 2903.06, division (A)(2) of section 2903.08, or former section 2903.07 of the Revised Code, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;	13795 13796 13797 13798 13799 13800 13801
(6) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of section 4511.19 of the Revised Code;	13802 13803 13804 13805
(7) A violation of a former law of this state that was substantially equivalent to division (A) or (B) of section 4511.19 of the Revised Code.	13806 13807 13808
(B) "Mandatory jail term" means the mandatory term in jail of three, six, ten, twenty, thirty, or sixty days that must be imposed under division (G)(1)(a), (b), or (c) of section 4511.19 of the Revised Code upon an offender convicted of a violation of division (A) of that section and in relation to which all of the following apply:	13809 13810 13811 13812 13813 13814
(1) Except as specifically authorized under section 4511.19 of the Revised Code, the term must be served in a jail.	13815 13816

(2) Except as specifically authorized under section 4511.19 13817
of the Revised Code, the term cannot be suspended, reduced, or 13818
otherwise modified pursuant to sections 2929.21 to 2929.28 or any 13819
other provision of the Revised Code. 13820

(C) "Municipal OVI ordinance" and "municipal OVI offense" 13821
mean any municipal ordinance prohibiting a person from operating a 13822
vehicle while under the influence of alcohol, a drug of abuse, or 13823
a combination of them or prohibiting a person from operating a 13824
vehicle with a prohibited concentration of alcohol, a controlled 13825
substance, or a metabolite of a controlled substance in the whole 13826
blood, blood serum or plasma, breath, or urine. 13827

(D) "Community residential sanction," "continuous alcohol 13828
monitoring," "jail," "mandatory prison term," "mandatory term of 13829
local incarceration," "sanction," and "prison term" have the same 13830
meanings as in section 2929.01 of the Revised Code. 13831

(E) "Drug of abuse" has the same meaning as in section 13832
4506.01 of the Revised Code. 13833

Sec. 4511.191. (A)(1) As used in this section: 13834

(a) "Physical control" has the same meaning as in section 13835
4511.194 of the Revised Code. 13836

(b) "Alcohol monitoring device" means any device that 13837
provides for continuous alcohol monitoring, any ignition interlock 13838
device, any immobilizing or disabling device other than an 13839
ignition interlock device that is constantly available to monitor 13840
the concentration of alcohol in a person's system, or any other 13841
device that provides for the automatic testing and periodic 13842
reporting of alcohol consumption by a person and that a court 13843
orders a person to use as a sanction imposed as a result of the 13844
person's conviction of or plea of guilty to an offense. 13845

(2) Any person who operates a vehicle, streetcar, or 13846

trackless trolley upon a highway or any public or private property 13847
used by the public for vehicular travel or parking within this 13848
state or who is in physical control of a vehicle, streetcar, or 13849
trackless trolley shall be deemed to have given consent to a 13850
chemical test or tests of the person's whole blood, blood serum or 13851
plasma, breath, or urine to determine the alcohol, drug of abuse, 13852
controlled substance, metabolite of a controlled substance, or 13853
combination content of the person's whole blood, blood serum or 13854
plasma, breath, or urine if arrested for a violation of division 13855
(A) or (B) of section 4511.19 of the Revised Code, section 13856
4511.194 of the Revised Code or a substantially equivalent 13857
municipal ordinance, or a municipal OVI ordinance. 13858

(3) The chemical test or tests under division (A)(2) of this 13859
section shall be administered at the request of a law enforcement 13860
officer having reasonable grounds to believe the person was 13861
operating or in physical control of a vehicle, streetcar, or 13862
trackless trolley in violation of a division, section, or 13863
ordinance identified in division (A)(2) of this section. The law 13864
enforcement agency by which the officer is employed shall 13865
designate which of the tests shall be administered. 13866

(4) Any person who is dead or unconscious, or who otherwise 13867
is in a condition rendering the person incapable of refusal, shall 13868
be deemed to have consented as provided in division (A)(2) of this 13869
section, and the test or tests may be administered, subject to 13870
sections 313.12 to 313.16 of the Revised Code. 13871

(B)(1) Upon receipt of the sworn report of a law enforcement 13872
officer who arrested a person for a violation of division (A) or 13873
(B) of section 4511.19 of the Revised Code, section 4511.194 of 13874
the Revised Code or a substantially equivalent municipal 13875
ordinance, or a municipal OVI ordinance that was completed and 13876
sent to the registrar and a court pursuant to section 4511.192 of 13877
the Revised Code in regard to a person who refused to take the 13878

designated chemical test, the registrar shall enter into the 13879
registrar's records the fact that the person's driver's or 13880
commercial driver's license or permit or nonresident operating 13881
privilege was suspended by the arresting officer under this 13882
division and that section and the period of the suspension, as 13883
determined under this section. The suspension shall be subject to 13884
appeal as provided in section 4511.197 of the Revised Code. The 13885
suspension shall be for whichever of the following periods 13886
applies: 13887

(a) Except when division (B)(1)(b), (c), or (d) of this 13888
section applies and specifies a different class or length of 13889
suspension, the suspension shall be a class C suspension for the 13890
period of time specified in division (B)(3) of section 4510.02 of 13891
the Revised Code. 13892

(b) If the arrested person, within six years of the date on 13893
which the person refused the request to consent to the chemical 13894
test, had refused one previous request to consent to a chemical 13895
test, the suspension shall be a class B suspension imposed for the 13896
period of time specified in division (B)(2) of section 4510.02 of 13897
the Revised Code. 13898

(c) If the arrested person, within six years of the date on 13899
which the person refused the request to consent to the chemical 13900
test, had refused two previous requests to consent to a chemical 13901
test, the suspension shall be a class A suspension imposed for the 13902
period of time specified in division (B)(1) of section 4510.02 of 13903
the Revised Code. 13904

(d) If the arrested person, within six years of the date on 13905
which the person refused the request to consent to the chemical 13906
test, had refused three or more previous requests to consent to a 13907
chemical test, the suspension shall be for five years. 13908

(2) The registrar shall terminate a suspension of the 13909

driver's or commercial driver's license or permit of a resident or 13910
of the operating privilege of a nonresident, or a denial of a 13911
driver's or commercial driver's license or permit, imposed 13912
pursuant to division (B)(1) of this section upon receipt of notice 13913
that the person has entered a plea of guilty to, or that the 13914
person has been convicted after entering a plea of no contest to, 13915
operating a vehicle in violation of section 4511.19 of the Revised 13916
Code or in violation of a municipal OVI ordinance, if the offense 13917
for which the conviction is had or the plea is entered arose from 13918
the same incident that led to the suspension or denial. 13919

The registrar shall credit against any judicial suspension of 13920
a person's driver's or commercial driver's license or permit or 13921
nonresident operating privilege imposed pursuant to section 13922
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 13923
Revised Code for a violation of a municipal OVI ordinance, any 13924
time during which the person serves a related suspension imposed 13925
pursuant to division (B)(1) of this section. 13926

(C)(1) Upon receipt of the sworn report of the law 13927
enforcement officer who arrested a person for a violation of 13928
division (A) or (B) of section 4511.19 of the Revised Code or a 13929
municipal OVI ordinance that was completed and sent to the 13930
registrar and a court pursuant to section 4511.192 of the Revised 13931
Code in regard to a person whose test results indicate that the 13932
person's whole blood, blood serum or plasma, breath, or urine 13933
contained at least the concentration of alcohol specified in 13934
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 13935
Revised Code or at least the concentration of a listed controlled 13936
substance or a listed metabolite of a controlled substance 13937
specified in division (A)(1)(j) of section 4511.19 of the Revised 13938
Code, the registrar shall enter into the registrar's records the 13939
fact that the person's driver's or commercial driver's license or 13940
permit or nonresident operating privilege was suspended by the 13941

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, the person has been convicted of or pleaded guilty to two violations of a statute or ordinance described in division (C)(1)(b) of this section, 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.

(d) If, within six years of the date the test was conducted, the person has been convicted of or pleaded guilty to more than two violations of a statute or ordinance described in division (C)(1)(b) of this section, 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. 13974

(2) The registrar shall terminate a suspension of the 13975
driver's or commercial driver's license or permit of a resident or 13976
of the operating privilege of a nonresident, or a denial of a 13977
driver's or commercial driver's license or permit, imposed 13978
pursuant to division (C)(1) of this section upon receipt of notice 13979
that the person has entered a plea of guilty to, or that the 13980
person has been convicted after entering a plea of no contest to, 13981
operating a vehicle in violation of section 4511.19 of the Revised 13982
Code or in violation of a municipal OVI ordinance, if the offense 13983
for which the conviction is had or the plea is entered arose from 13984
the same incident that led to the suspension or denial. 13985

The registrar shall credit against any judicial suspension of 13986
a person's driver's or commercial driver's license or permit or 13987
nonresident operating privilege imposed pursuant to section 13988
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 13989
Revised Code for a violation of a municipal OVI ordinance, any 13990
time during which the person serves a related suspension imposed 13991
pursuant to division (C)(1) of this section. 13992

(D)(1) A suspension of a person's driver's or commercial 13993
driver's license or permit or nonresident operating privilege 13994
under this section for the time described in division (B) or (C) 13995
of this section is effective immediately from the time at which 13996
the arresting officer serves the notice of suspension upon the 13997
arrested person. Any subsequent finding that the person is not 13998
guilty of the charge that resulted in the person being requested 13999
to take the chemical test or tests under division (A) of this 14000
section does not affect the suspension. 14001

(2) If a person is arrested for operating a vehicle, 14002
streetcar, or trackless trolley in violation of division (A) or 14003
(B) of section 4511.19 of the Revised Code or a municipal OVI 14004
ordinance, or for being in physical control of a vehicle, 14005

streetcar, or trackless trolley in violation of section 4511.194 14006
of the Revised Code or a substantially equivalent municipal 14007
ordinance, regardless of whether the person's driver's or 14008
commercial driver's license or permit or nonresident operating 14009
privilege is or is not suspended under division (B) or (C) of this 14010
section or Chapter 4510. of the Revised Code, the person's initial 14011
appearance on the charge resulting from the arrest shall be held 14012
within five days of the person's arrest or the issuance of the 14013
citation to the person, subject to any continuance granted by the 14014
court pursuant to section 4511.197 of the Revised Code regarding 14015
the issues specified in that division. 14016

(E) When it finally has been determined under the procedures 14017
of this section and sections 4511.192 to 4511.197 of the Revised 14018
Code that a nonresident's privilege to operate a vehicle within 14019
this state has been suspended, the registrar shall give 14020
information in writing of the action taken to the motor vehicle 14021
administrator of the state of the person's residence and of any 14022
state in which the person has a license. 14023

(F) At the end of a suspension period under this section, 14024
under section 4511.194, section 4511.196, or division (G) of 14025
section 4511.19 of the Revised Code, or under section 4510.07 of 14026
the Revised Code for a violation of a municipal OVI ordinance and 14027
upon the request of the person whose driver's or commercial 14028
driver's license or permit was suspended and who is not otherwise 14029
subject to suspension, cancellation, or disqualification, the 14030
registrar shall return the driver's or commercial driver's license 14031
or permit to the person upon the occurrence of all of the 14032
conditions specified in divisions (F)(1) and (2) of this section: 14033

(1) A showing that the person has proof of financial 14034
responsibility, a policy of liability insurance in effect that 14035
meets the minimum standards set forth in section 4509.51 of the 14036
Revised Code, or proof, to the satisfaction of the registrar, that 14037

the person is able to respond in damages in an amount at least 14038
equal to the minimum amounts specified in section 4509.51 of the 14039
Revised Code. 14040

(2) Subject to the limitation contained in division (F)(3) of 14041
this section, payment by the person to the bureau of motor 14042
vehicles of a license reinstatement fee of four hundred 14043
twenty-five dollars, which fee shall be deposited in the state 14044
treasury and credited as follows: 14045

(a) One hundred twelve dollars and fifty cents shall be 14046
credited to the statewide treatment and prevention fund created by 14047
section 4301.30 of the Revised Code. The fund shall be used to pay 14048
the costs of driver treatment and intervention programs operated 14049
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 14050
director of alcohol and drug addiction services shall determine 14051
the share of the fund that is to be allocated to alcohol and drug 14052
addiction programs authorized by section 3793.02 of the Revised 14053
Code, and the share of the fund that is to be allocated to 14054
drivers' intervention programs authorized by section 3793.10 of 14055
the Revised Code. 14056

(b) Seventy-five dollars shall be credited to the reparations 14057
fund created by section 2743.191 of the Revised Code. 14058

(c) Thirty-seven dollars and fifty cents shall be credited to 14059
the indigent drivers alcohol treatment fund, which is hereby 14060
established. Except as otherwise provided in division (F)(2)(c) of 14061
this section, moneys in the fund shall be distributed by the 14062
department of alcohol and drug addiction services to the county 14063
indigent drivers alcohol treatment funds, the county juvenile 14064
indigent drivers alcohol treatment funds, and the municipal 14065
indigent drivers alcohol treatment funds that are required to be 14066
established by counties and municipal corporations pursuant to 14067
this section, and shall be used only to pay the cost of an alcohol 14068
and drug addiction treatment program attended by an offender or 14069

juvenile traffic offender who is ordered to attend an alcohol and 14070
drug addiction treatment program by a county, juvenile, or 14071
municipal court judge and who is determined by the county, 14072
juvenile, or municipal court judge not to have the means to pay 14073
for the person's attendance at the program or to pay the costs 14074
specified in division (H)(4) of this section in accordance with 14075
that division. In addition, a county, juvenile, or municipal court 14076
judge may use moneys in the county indigent drivers alcohol 14077
treatment fund, county juvenile indigent drivers alcohol treatment 14078
fund, or municipal indigent drivers alcohol treatment fund to pay 14079
for the cost of the continued use of an ~~electronic continuous~~ 14080
alcohol monitoring device as described in divisions (H)(3) and (4) 14081
of this section. Moneys in the fund that are not distributed to a 14082
county indigent drivers alcohol treatment fund, a county juvenile 14083
indigent drivers alcohol treatment fund, or a municipal indigent 14084
drivers alcohol treatment fund under division (H) of this section 14085
because the director of alcohol and drug addiction services does 14086
not have the information necessary to identify the county or 14087
municipal corporation where the offender or juvenile offender was 14088
arrested may be transferred by the director of budget and 14089
management to the statewide treatment and prevention fund created 14090
by section 4301.30 of the Revised Code, upon certification of the 14091
amount by the director of alcohol and drug addiction services. 14092

(d) Seventy-five dollars shall be credited to the Ohio 14093
rehabilitation services commission established by section 3304.12 14094
of the Revised Code, to the services for rehabilitation fund, 14095
which is hereby established. The fund shall be used to match 14096
available federal matching funds where appropriate, and for any 14097
other purpose or program of the commission to rehabilitate people 14098
with disabilities to help them become employed and independent. 14099

(e) Seventy-five dollars shall be deposited into the state 14100
treasury and credited to the drug abuse resistance education 14101

programs fund, which is hereby established, to be used by the 14102
attorney general for the purposes specified in division (F)(4) of 14103
this section. 14104

(f) Thirty dollars shall be credited to the state bureau of 14105
motor vehicles fund created by section 4501.25 of the Revised 14106
Code. 14107

(g) Twenty dollars shall be credited to the trauma and 14108
emergency medical services grants fund created by section 4513.263 14109
of the Revised Code. 14110

(3) If a person's driver's or commercial driver's license or 14111
permit is suspended under this section, under section 4511.196 or 14112
division (G) of section 4511.19 of the Revised Code, under section 14113
4510.07 of the Revised Code for a violation of a municipal OVI 14114
ordinance or under any combination of the suspensions described in 14115
division (F)(3) of this section, and if the suspensions arise from 14116
a single incident or a single set of facts and circumstances, the 14117
person is liable for payment of, and shall be required to pay to 14118
the bureau, only one reinstatement fee of four hundred twenty-five 14119
dollars. The reinstatement fee shall be distributed by the bureau 14120
in accordance with division (F)(2) of this section. 14121

(4) The attorney general shall use amounts in the drug abuse 14122
resistance education programs fund to award grants to law 14123
enforcement agencies to establish and implement drug abuse 14124
resistance education programs in public schools. Grants awarded to 14125
a law enforcement agency under this section shall be used by the 14126
agency to pay for not more than fifty per cent of the amount of 14127
the salaries of law enforcement officers who conduct drug abuse 14128
resistance education programs in public schools. The attorney 14129
general shall not use more than six per cent of the amounts the 14130
attorney general's office receives under division (F)(2)(e) of 14131
this section to pay the costs it incurs in administering the grant 14132
program established by division (F)(2)(e) of this section and in 14133

providing training and materials relating to drug abuse resistance 14134
education programs. 14135

The attorney general shall report to the governor and the 14136
general assembly each fiscal year on the progress made in 14137
establishing and implementing drug abuse resistance education 14138
programs. These reports shall include an evaluation of the 14139
effectiveness of these programs. 14140

(G) Suspension of a commercial driver's license under 14141
division (B) or (C) of this section shall be concurrent with any 14142
period of disqualification under section 3123.611 or 4506.16 of 14143
the Revised Code or any period of suspension under section 3123.58 14144
of the Revised Code. No person who is disqualified for life from 14145
holding a commercial driver's license under section 4506.16 of the 14146
Revised Code shall be issued a driver's license under Chapter 14147
4507. of the Revised Code during the period for which the 14148
commercial driver's license was suspended under division (B) or 14149
(C) of this section. No person whose commercial driver's license 14150
is suspended under division (B) or (C) of this section shall be 14151
issued a driver's license under Chapter 4507. of the Revised Code 14152
during the period of the suspension. 14153

(H)(1) Each county shall establish an indigent drivers 14154
alcohol treatment fund, each county shall establish a juvenile 14155
indigent drivers alcohol treatment fund, and each municipal 14156
corporation in which there is a municipal court shall establish an 14157
indigent drivers alcohol treatment fund. All revenue that the 14158
general assembly appropriates to the indigent drivers alcohol 14159
treatment fund for transfer to a county indigent drivers alcohol 14160
treatment fund, a county juvenile indigent drivers alcohol 14161
treatment fund, or a municipal indigent drivers alcohol treatment 14162
fund, all portions of fees that are paid under division (F) of 14163
this section and that are credited under that division to the 14164
indigent drivers alcohol treatment fund in the state treasury for 14165

a county indigent drivers alcohol treatment fund, a county 14166
juvenile indigent drivers alcohol treatment fund, or a municipal 14167
indigent drivers alcohol treatment fund, all portions of 14168
additional costs imposed under section 2949.094 of the Revised 14169
Code that are specified for deposit into a county, county 14170
juvenile, or municipal indigent drivers alcohol treatment fund by 14171
that section, and all portions of fines that are specified for 14172
deposit into a county or municipal indigent drivers alcohol 14173
treatment fund by section 4511.193 of the Revised Code shall be 14174
deposited into that county indigent drivers alcohol treatment 14175
fund, county juvenile indigent drivers alcohol treatment fund, or 14176
municipal indigent drivers alcohol treatment fund in accordance 14177
with division (H)(2) of this section. Additionally, all portions 14178
of fines that are paid for a violation of section 4511.19 of the 14179
Revised Code or of any prohibition contained in Chapter 4510. of 14180
the Revised Code, and that are required under section 4511.19 or 14181
any provision of Chapter 4510. of the Revised Code to be deposited 14182
into a county indigent drivers alcohol treatment fund or municipal 14183
indigent drivers alcohol treatment fund shall be deposited into 14184
the appropriate fund in accordance with the applicable division. 14185

(2) That portion of the license reinstatement fee that is 14186
paid under division (F) of this section and that is credited under 14187
that division to the indigent drivers alcohol treatment fund and 14188
that portion of the additional court cost that is imposed under 14189
section 2949.094 of the Revised Code and that is specified by that 14190
section for deposit into the indigent drivers alcohol treatment 14191
fund shall be deposited into a county indigent drivers alcohol 14192
treatment fund, a county juvenile indigent drivers alcohol 14193
treatment fund, or a municipal indigent drivers alcohol treatment 14194
fund as follows: 14195

(a) ~~If the~~ Regarding a suspension ~~in question was~~ imposed 14196
under this section or additional court costs, that portion of the 14197

fee shall be deposited as follows: 14198

(i) If the fee or court cost is paid by a person who was 14199
charged in a county court with the violation that resulted in the 14200
suspension or in the imposition of the court costs, the portion 14201
shall be deposited into the county indigent drivers alcohol 14202
treatment fund under the control of that court; 14203

(ii) If the fee or court cost is paid by a person who was 14204
charged in a juvenile court with the violation that resulted in 14205
the suspension or in the imposition of the court costs, the 14206
portion shall be deposited into the county juvenile indigent 14207
drivers alcohol treatment fund established in the county served by 14208
the court; 14209

(iii) If the fee or court cost is paid by a person who was 14210
charged in a municipal court with the violation that resulted in 14211
the suspension or in the imposition of the court costs, the 14212
portion shall be deposited into the municipal indigent drivers 14213
alcohol treatment fund under the control of that court. 14214

(b) ~~If the Regarding a suspension in question was~~ imposed 14215
under section 4511.19 of the Revised Code or under section 4510.07 14216
of the Revised Code for a violation of a municipal OVI ordinance, 14217
that portion of the fee shall be deposited as follows: 14218

(i) If the fee is paid by a person whose license or permit 14219
was suspended by a county court, the portion shall be deposited 14220
into the county indigent drivers alcohol treatment fund under the 14221
control of that court; 14222

(ii) If the fee is paid by a person whose license or permit 14223
was suspended by a municipal court, the portion shall be deposited 14224
into the municipal indigent drivers alcohol treatment fund under 14225
the control of that court. 14226

(3) Expenditures from a county indigent drivers alcohol 14227
treatment fund, a county juvenile indigent drivers alcohol 14228

treatment fund, or a municipal indigent drivers alcohol treatment 14229
fund shall be made only upon the order of a county, juvenile, or 14230
municipal court judge and only for payment of the cost of the 14231
attendance at an alcohol and drug addiction treatment program of a 14232
person who is convicted of, or found to be a juvenile traffic 14233
offender by reason of, a violation of division (A) of section 14234
4511.19 of the Revised Code or a substantially similar municipal 14235
ordinance, who is ordered by the court to attend the alcohol and 14236
drug addiction treatment program, and who is determined by the 14237
court to be unable to pay the cost of attendance at the treatment 14238
program or for payment of the costs specified in division (H)(4) 14239
of this section in accordance with that division. The alcohol and 14240
drug addiction services board or the board of alcohol, drug 14241
addiction, and mental health services established pursuant to 14242
section 340.02 or 340.021 of the Revised Code and serving the 14243
alcohol, drug addiction, and mental health service district in 14244
which the court is located shall administer the indigent drivers 14245
alcohol treatment program of the court. When a court orders an 14246
offender or juvenile traffic offender to attend an alcohol and 14247
drug addiction treatment program, the board shall determine which 14248
program is suitable to meet the needs of the offender or juvenile 14249
traffic offender, and when a suitable program is located and space 14250
is available at the program, the offender or juvenile traffic 14251
offender shall attend the program designated by the board. A 14252
reasonable amount not to exceed five per cent of the amounts 14253
credited to and deposited into the county indigent drivers alcohol 14254
treatment fund, the county juvenile indigent drivers alcohol 14255
treatment fund, or the municipal indigent drivers alcohol 14256
treatment fund serving every court whose program is administered 14257
by that board shall be paid to the board to cover the costs it 14258
incurs in administering those indigent drivers alcohol treatment 14259
programs. 14260

In addition, a county, juvenile, or municipal court judge may 14261

use moneys in the county indigent drivers alcohol treatment fund, 14262
county juvenile indigent drivers alcohol treatment fund, or 14263
municipal indigent drivers alcohol treatment fund in the following 14264
manners: 14265

(a) If the source of the moneys was an appropriation of the 14266
general assembly, a portion of a fee that was paid under division 14267
(F) of this section, a portion of a fine that was specified for 14268
deposit into the fund by section 4511.193 of the Revised Code, or 14269
a portion of a fine that was paid for a violation of section 14270
4511.19 of the Revised Code or of a provision contained in Chapter 14271
4510. of the Revised Code that was required to be deposited into 14272
the fund, to pay for the continued use of an ~~electronic continuous~~ 14273
alcohol monitoring device by an offender or juvenile traffic 14274
offender, in conjunction with a treatment program approved by the 14275
department of alcohol and drug addiction services, when such use 14276
is determined clinically necessary by the treatment program and 14277
when the court determines that the offender or juvenile traffic 14278
offender is unable to pay all or part of the daily monitoring or 14279
cost of the device; 14280

(b) If the source of the moneys was a portion of an 14281
additional court cost imposed under section 2949.094 of the 14282
Revised Code, to pay for the continued use of an alcohol 14283
monitoring device by an offender or juvenile traffic offender when 14284
the court determines that the offender or juvenile traffic 14285
offender is unable to pay all or part of the daily monitoring or 14286
cost of the device. The moneys may be used for a device as 14287
described in this division if the use of the device is in 14288
conjunction with a treatment program approved by the department of 14289
alcohol and drug addiction services, when the use of the device is 14290
determined clinically necessary by the treatment program, but the 14291
use of a device is not required to be in conjunction with a 14292
treatment program approved by the department in order for the 14293

moneys to be used for the device as described in this division. 14294

(4) If a county, juvenile, or municipal court determines, in 14295
consultation with the alcohol and drug addiction services board or 14296
the board of alcohol, drug addiction, and mental health services 14297
established pursuant to section 340.02 or 340.021 of the Revised 14298
Code and serving the alcohol, drug addiction, and mental health 14299
district in which the court is located, that the funds in the 14300
county indigent drivers alcohol treatment fund, the county 14301
juvenile indigent drivers alcohol treatment fund, or the municipal 14302
indigent drivers alcohol treatment fund under the control of the 14303
court are more than sufficient to satisfy the purpose for which 14304
the fund was established, as specified in divisions (H)(1) to (3) 14305
of this section, the court may declare a surplus in the fund. If 14306
the court declares a surplus in the fund, the court may expend the 14307
amount of the surplus in the fund for: 14308

(a) Alcohol and drug abuse assessment and treatment of 14309
persons who are charged in the court with committing a criminal 14310
offense or with being a delinquent child or juvenile traffic 14311
offender and in relation to whom both of the following apply: 14312

(i) The court determines that substance abuse was a 14313
contributing factor leading to the criminal or delinquent activity 14314
or the juvenile traffic offense with which the person is charged. 14315

(ii) The court determines that the person is unable to pay 14316
the cost of the alcohol and drug abuse assessment and treatment 14317
for which the surplus money will be used. 14318

(b) All or part of the cost of purchasing ~~electronic~~ 14319
~~continuous~~ alcohol monitoring devices to be used in conjunction 14320
with division (H)(3) of this section. 14321

Sec. 4735.01. As used in this chapter: 14322

(A) "Real estate broker" includes any person, partnership, 14323

association, limited liability company, limited liability 14324
partnership, or corporation, foreign or domestic, who for another, 14325
whether pursuant to a power of attorney or otherwise, and who for 14326
a fee, commission, or other valuable consideration, or with the 14327
intention, or in the expectation, or upon the promise of receiving 14328
or collecting a fee, commission, or other valuable consideration 14329
does any of the following: 14330

(1) Sells, exchanges, purchases, rents, or leases, or 14331
negotiates the sale, exchange, purchase, rental, or leasing of any 14332
real estate; 14333

(2) Offers, attempts, or agrees to negotiate the sale, 14334
exchange, purchase, rental, or leasing of any real estate; 14335

(3) Lists, or offers, attempts, or agrees to list, or 14336
auctions, or offers, attempts, or agrees to auction, any real 14337
estate; 14338

(4) Buys or offers to buy, sells or offers to sell, or 14339
otherwise deals in options on real estate; 14340

(5) Operates, manages, or rents, or offers or attempts to 14341
operate, manage, or rent, other than as custodian, caretaker, or 14342
janitor, any building or portions of buildings to the public as 14343
tenants; 14344

(6) Advertises or holds self out as engaged in the business 14345
of selling, exchanging, purchasing, renting, or leasing real 14346
estate; 14347

(7) Directs or assists in the procuring of prospects or the 14348
negotiation of any transaction, other than mortgage financing, 14349
which does or is calculated to result in the sale, exchange, 14350
leasing, or renting of any real estate; 14351

(8) Is engaged in the business of charging an advance fee or 14352
contracting for collection of a fee in connection with any 14353

contract whereby the broker undertakes primarily to promote the sale, exchange, purchase, rental, or leasing of real estate through its listing in a publication issued primarily for such purpose, or for referral of information concerning such real estate to brokers, or both, except that this division does not apply to a publisher of listings or compilations of sales of real estate by their owners;

(9) Collects rental information for purposes of referring prospective tenants to rental units or locations of such units and charges the prospective tenants a fee.

(B) "Real estate" includes leaseholds as well as any and every interest or estate in land situated in this state, whether corporeal or incorporeal, whether freehold or nonfreehold, and the improvements on the land, but does not include cemetery interment rights.

(C) "Real estate salesperson" means any person associated with a licensed real estate broker to do or to deal in any acts or transactions set out or comprehended by the definition of a real estate broker, for compensation or otherwise.

(D) "Institution of higher education" means either of the following:

(1) A nonprofit institution as defined in section 1713.01 of the Revised Code that actually awards, rather than intends to award, degrees for fulfilling requirements of academic work beyond high school;

(2) An institution operated for profit that otherwise qualifies under the definition of an institution in section 1713.01 of the Revised Code and that actually awards, rather than intends to award, degrees for fulfilling requirements of academic work beyond high school.

(E) "Foreign real estate" means real estate not situated in

this state and any interest in real estate not situated in this 14385
state. 14386

(F) "Foreign real estate dealer" includes any person, 14387
partnership, association, limited liability company, limited 14388
liability partnership, or corporation, foreign or domestic, who 14389
for another, whether pursuant to a power of attorney or otherwise, 14390
and who for a fee, commission, or other valuable consideration, or 14391
with the intention, or in the expectation, or upon the promise of 14392
receiving or collecting a fee, commission, or other valuable 14393
consideration, does or deals in any act or transaction specified 14394
or comprehended in division (A) of this section with respect to 14395
foreign real estate. 14396

(G) "Foreign real estate salesperson" means any person 14397
associated with a licensed foreign real estate dealer to do or 14398
deal in any act or transaction specified or comprehended in 14399
division (A) of this section with respect to foreign real estate, 14400
for compensation or otherwise. 14401

(H) Any person, partnership, association, limited liability 14402
company, limited liability partnership, or corporation, who, for 14403
another, in consideration of compensation, by fee, commission, 14404
salary, or otherwise, or with the intention, in the expectation, 14405
or upon the promise of receiving or collecting a fee, does, or 14406
offers, attempts, or agrees to engage in, any single act or 14407
transaction contained in the definition of a real estate broker, 14408
whether an act is an incidental part of a transaction, or the 14409
entire transaction, shall be constituted a real estate broker or 14410
real estate salesperson under this chapter. 14411

(I) The terms "real estate broker," "real estate 14412
salesperson," "foreign real estate dealer," and "foreign real 14413
estate salesperson" do not include a person, partnership, 14414
association, limited liability company, limited liability 14415
partnership, or corporation, or the regular employees thereof, who 14416

perform any of the acts or transactions specified or comprehended 14417
in division (A) of this section, whether or not for, or with the 14418
intention, in expectation, or upon the promise of receiving or 14419
collecting a fee, commission, or other valuable consideration: 14420

(1) With reference to real estate situated in this state or 14421
any interest in it owned by such person, partnership, association, 14422
limited liability company, limited liability partnership, or 14423
corporation, or acquired on its own account in the regular course 14424
of, or as an incident to the management of the property and the 14425
investment in it; 14426

(2) As receiver or trustee in bankruptcy, as guardian, 14427
executor, administrator, trustee, assignee, commissioner, or any 14428
person doing the things mentioned in this section, under authority 14429
or appointment of, or incident to a proceeding in, any court, or 14430
as a public officer, or as executor, trustee, or other bona fide 14431
fiduciary under any trust agreement, deed of trust, will, or other 14432
instrument creating a like bona fide fiduciary obligation; 14433

(3) As a public officer while performing the officer's 14434
official duties; 14435

(4) As an attorney at law in the performance of the 14436
attorney's duties; 14437

(5) As a person who engages in the brokering of the sale of 14438
business assets, not including the negotiation of the sale, lease, 14439
exchange, or assignment of any interest in real estate; 14440

(6) As a person who engages in the sale of manufactured homes 14441
as defined in division (C)(4) of section 3781.06 of the Revised 14442
Code, or of mobile homes as defined in division (O) of section 14443
4501.01 of the Revised Code, provided the sale does not include 14444
the negotiation, sale, lease, exchange, or assignment of any 14445
interest in real estate; 14446

(7) As a person who engages in the sale of commercial real 14447

estate pursuant to the requirements of section 4735.022 of the Revised Code.

(J) "Physically handicapped licensee" means a person licensed pursuant to this chapter who is under a severe physical disability which is of such a nature as to prevent the person from being able to attend any instruction lasting at least three hours in duration.

(K) "Division of real estate" may be used interchangeably with, and for all purposes has the same meaning as, "division of real estate and professional licensing."

(L) "Superintendent" or "superintendent of real estate" means the superintendent of the division of real estate and professional licensing of this state. Whenever the division or superintendent of real estate is referred to or designated in any statute, rule, contract, or other document, the reference or designation shall be deemed to refer to the division or superintendent of real estate and professional licensing, as the case may be.

(M) "Inactive license" means the license status in which a salesperson's license is in the possession of the division, renewed as required under this chapter or rules adopted under this chapter, and not associated with a real estate broker.

(N) "Broker's license on deposit" means the license status in which a broker's license is in the possession of the division of real estate and professional licensing and renewed as required under this chapter or rules adopted under this chapter.

(O) "Suspended license" means the license status that prohibits a licensee from providing services that require a license under this chapter for a specified interval of time.

(P) "Reactivate" means the process prescribed by the superintendent of real estate and professional licensing to remove a license from an inactive, voluntary hold, suspended, or broker's

license on deposit status to allow a licensee to provide services 14479
that require a license under this chapter. 14480

(Q) "Revoked" means the license status in which the license 14481
is void and not eligible for reactivation. 14482

(R) "Commercial real estate" means any parcel of real estate 14483
in this state other than real estate containing one to four 14484
residential units. "Commercial real estate" does not include 14485
single-family residential units such as condominiums, townhouses, 14486
manufactured homes, or homes in a subdivision when sold, leased, 14487
or otherwise conveyed on a unit-by-unit basis, even when those 14488
units are a part of a larger building or parcel of real estate 14489
containing more than four residential units. 14490

(S) "Out-of-state commercial broker" includes any person, 14491
partnership, association, limited liability company, limited 14492
liability partnership, or corporation that is licensed to do 14493
business as a real estate broker in a jurisdiction other than 14494
Ohio. 14495

(T) "Out-of-state commercial salesperson" includes any person 14496
affiliated with an out-of-state commercial broker who is not 14497
licensed as a real estate salesperson in Ohio. 14498

(U) "Exclusive right to sell or lease listing agreement" 14499
means an agency agreement between a seller and broker that meets 14500
the requirements of section 4735.55 of the Revised Code and does 14501
both of the following: 14502

(1) Grants the broker the exclusive right to represent the 14503
seller in the sale or lease of the seller's property; 14504

(2) Provides the broker will be compensated if the broker, 14505
the seller, or any other person or entity produces a purchaser or 14506
tenant in accordance with the terms specified in the listing 14507
agreement or if the property is sold or leased during the term of 14508
the listing agreement to anyone other than to specifically 14509

exempted persons or entities. 14510

(V) "Exclusive agency agreement" means an agency agreement 14511
between a seller and broker that meets the requirements of section 14512
4735.55 of the Revised Code and does both of the following: 14513

(1) Grants the broker the exclusive right to represent the 14514
seller in the sale or lease of the seller's property; 14515

(2) Provides the broker will be compensated if the broker or 14516
any other person or entity produces a purchaser or tenant in 14517
accordance with the terms specified in the listing agreement or if 14518
the property is sold or leased during the term of the listing 14519
agreement, unless the property is sold or leased solely through 14520
the efforts of the seller or to the specifically exempted persons 14521
or entities. 14522

(W) "Exclusive purchaser agency agreement" means an agency 14523
agreement between a purchaser and broker that meets the 14524
requirements of section 4735.55 of the Revised Code and does both 14525
of the following: 14526

(1) Grants the broker the exclusive right to represent the 14527
purchaser in the purchase or lease of property; 14528

(2) Provides the broker will be compensated in accordance 14529
with the terms specified in the exclusive agency agreement or if a 14530
property is purchased or leased by the purchaser during the term 14531
of the agency agreement unless the property is specifically 14532
exempted in the agency agreement. 14533

The agreement may authorize the broker to receive 14534
compensation from the seller or the seller's agent and may provide 14535
that the purchaser is not obligated to compensate the broker if 14536
the property is purchased or leased solely through the efforts of 14537
the purchaser. 14538

(X) "Seller" means a party in a real estate transaction who 14539

is the potential transferor of property. "Seller" includes an 14540
owner of property who is seeking to sell the property and a 14541
landlord who is seeking to rent or lease property to another 14542
person. 14543

(Y) "Voluntary hold" means the license status in which a 14544
license is in the possession of the division of real estate and 14545
professional licensing for a period of not more than twelve months 14546
pursuant to section 4735.142 of the Revised Code, is not renewed 14547
in accordance with the requirements specified in this chapter or 14548
the rules adopted pursuant to it, and is not associated with a 14549
real estate broker. 14550

(Z) "Resigned" means the license status in which a license 14551
has been voluntarily surrendered to or is otherwise in the 14552
possession of the division of real estate and professional 14553
licensing, is not renewed in accordance with the requirements 14554
specified in this chapter or the rules adopted pursuant to it, and 14555
is not associated with a real estate broker. 14556

Sec. 4735.02. Except as provided in section 4735.022 of the 14557
Revised Code, no person, partnership, association, limited 14558
liability company, limited liability partnership, or corporation 14559
shall act as a real estate broker or real estate salesperson, or 14560
advertise or assume to act as such, without first being licensed 14561
as provided in this chapter. No person, partnership, association, 14562
limited liability company, limited liability partnership, or 14563
corporation shall provide services that require a license under 14564
this chapter if the licensee's license is inactive, suspended, 14565
placed on voluntary hold, resigned, or a broker's license on 14566
deposit, or if the license has been revoked. Nothing contained in 14567
this chapter shall be construed as authorizing a real estate 14568
broker or salesperson to perform any service constituting the 14569
practice of law. 14570

No partnership, association, limited liability company, 14571
limited liability partnership, or corporation holding a real 14572
estate license shall employ as an officer, director, manager, or 14573
principal employee any person previously holding a license as a 14574
real estate broker, real estate salesperson, foreign real estate 14575
dealer, or foreign real estate salesperson, whose license has been 14576
placed in inactive, voluntary hold, or resigned status, or is 14577
suspended, or revoked and who has not thereafter reactivated the 14578
license or received a new license. 14579

Sec. 4735.10. (A)(1) The Ohio real estate commission may 14580
adopt reasonable rules in accordance with Chapter 119. of the 14581
Revised Code, necessary for implementing the provisions of this 14582
chapter relating, but not limited to, the following: 14583

(a) The form and manner of filing applications for license; 14584

(b) Times and form of examination for license; 14585

(c) Placing an existing broker's license on deposit or a 14586
salesperson's license on an inactive status for an indefinite 14587
period; 14588

(d) Specifying the process by which a licensee may place the 14589
licensee's license on voluntary hold or resigned status; 14590

(e) Defining any additional license status that the 14591
commission determines is necessary and that is not otherwise 14592
defined in this chapter and establishing the process by which a 14593
licensee places the licensee's license in a status defined by the 14594
commission in the rules the commission adopts. 14595

(2) The commission shall adopt reasonable rules in accordance 14596
with Chapter 119. of the Revised Code, for implementing the 14597
provisions of this chapter relating to the following: 14598

(a) The issuance, renewal, suspension, and revocation of 14599
licenses, other sanctions that may be imposed for violations of 14600

this chapter, the conduct of hearings related to these actions, 14601
and the process of reactivating a license; 14602

(b) By not later than January 1, 2004, a three-year license 14603
and a three-year license renewal system; 14604

(c) Standards for the approval of courses of study required 14605
for licenses, or offered in preparation for license examinations, 14606
or required as continuing education for licenses. 14607

(d) Guidelines to ensure that continuing education classes 14608
are open to all persons licensed under this chapter. The rules 14609
shall specify that an organization that sponsors a continuing 14610
education class may offer its members a reasonable reduction in 14611
the fees charged for the class. 14612

(e) Requirements for trust accounts and property management 14613
accounts. The rules shall specify that: 14614

(i) Brokerages engaged in the management of property for 14615
another may, pursuant to a written contract with the property 14616
owner, exercise signatory authority for withdrawals from property 14617
management accounts maintained in the name of the property owner. 14618
The exercise of authority for withdrawals does not constitute a 14619
violation of any provision of division (A) of section 4735.18 of 14620
the Revised Code. 14621

(ii) The interest earned on property management trust 14622
accounts maintained in the name of the property owner or the 14623
broker shall be payable to the property owner unless otherwise 14624
specified in a written contract. 14625

(f) Notice of renewal forms and filing deadlines; 14626

(g) Special assessments under division (A) of section 4735.12 14627
of the Revised Code. 14628

(B) The commission may adopt rules in accordance with Chapter 14629
119. of the Revised Code establishing standards and guidelines 14630

with which the superintendent of real estate shall comply in the 14631
exercise of the following powers: 14632

(1) Appointment and recommendation of ancillary trustees 14633
under section 4735.05 of the Revised Code; 14634

(2) Rejection of names proposed to be used by partnerships, 14635
associations, limited liability companies, limited liability 14636
partnerships, and corporations, under division (A) of section 14637
4735.06 of the Revised Code; 14638

(3) Acceptance and rejection of applications to take the 14639
broker and salesperson examinations and licensure, with 14640
appropriate waivers pursuant to division (E) of section 4735.07 14641
and section 4735.09 of the Revised Code; 14642

(4) Approval of applications of brokers to place their 14643
licenses on deposit and to become salespersons under section 14644
4735.13 of the Revised Code; 14645

(5) Appointment of hearing examiners under section 119.09 of 14646
the Revised Code; 14647

(6) Acceptance and rejection of applications to take the 14648
foreign real estate dealer and salesperson examinations and 14649
licensure, with waiver of examination, under sections 4735.27 and 14650
4735.28 of the Revised Code; 14651

(7) Qualification of foreign real estate under section 14652
4735.25 of the Revised Code. 14653

If at any time there is no rule in effect establishing a 14654
guideline or standard required by this division, the 14655
superintendent may adopt a rule in accordance with Chapter 119. of 14656
the Revised Code for such purpose. 14657

(C) The commission or superintendent may hear testimony in 14658
matters relating to the duties imposed upon them, and the 14659
president of the commission and superintendent may administer 14660

oaths. The commission or superintendent may require other proof of 14661
the honesty, truthfulness, and good reputation of any person named 14662
in an application for a real estate broker's or real estate 14663
salesperson's license before admitting the applicant to the 14664
examination or issuing a license. 14665

Sec. 4735.13. (A) The license of a real estate broker shall 14666
be prominently displayed in the office or place of business of the 14667
broker, and no license shall authorize the licensee to do business 14668
except from the location specified in it. If the broker maintains 14669
more than one place of business within the state, the broker shall 14670
apply for and procure a duplicate license for each branch office 14671
maintained by the broker. Each branch office shall be in the 14672
charge of a licensed broker or salesperson. The branch office 14673
license shall be prominently displayed at the branch office 14674
location. 14675

(B) The license of each real estate salesperson shall be 14676
mailed to and remain in the possession of the licensed broker with 14677
whom the salesperson is or is to be associated until the licensee 14678
places the license on inactive, voluntary hold, or resigned status 14679
or until the salesperson leaves the brokerage or is terminated. 14680
The broker shall keep each salesperson's license in a way that it 14681
can, and shall on request, be made immediately available for 14682
public inspection at the office or place of business of the 14683
broker. Except as provided in divisions (G) and (H) of this 14684
section, immediately upon the salesperson's leaving the 14685
association or termination of the association of a real estate 14686
salesperson with the broker, the broker shall return the 14687
salesperson's license to the superintendent of real estate. 14688

The failure of a broker to return the license of a real 14689
estate salesperson or broker who leaves or who is terminated, via 14690
certified mail return receipt requested, within three business 14691

days of the receipt of a written request from the superintendent 14692
for the return of the license, is prima-facie evidence of 14693
misconduct under division (A)(6) of section 4735.18 of the Revised 14694
Code. 14695

(C) Any licensee who is convicted of a felony or a crime 14696
involving moral turpitude or of violating any federal, state, or 14697
municipal civil rights law pertaining to discrimination in 14698
housing, or any court that issues a finding of an unlawful 14699
discriminatory practice pertaining to housing accommodations 14700
described in division (H) of section 4112.02 of the Revised Code 14701
or that convicts a licensee of a violation of any municipal civil 14702
rights law pertaining to housing discrimination, shall notify the 14703
superintendent of the conviction or finding within fifteen days. 14704
If a licensee fails to notify the superintendent within the 14705
required time, the superintendent immediately may revoke the 14706
license of the licensee. 14707

Any court that convicts a licensee of a violation of any 14708
municipal civil rights law pertaining to housing discrimination 14709
also shall notify the Ohio civil rights commission within fifteen 14710
days of the conviction. 14711

(D) In case of any change of business location, a broker 14712
shall give notice in writing to the superintendent, whereupon the 14713
superintendent shall issue new licenses for the unexpired period 14714
without charge. If a broker changes a business location without 14715
giving the required notice and without receiving new licenses that 14716
action is prima-facie evidence of misconduct under division (A)(6) 14717
of section 4735.18 of the Revised Code. 14718

(E) If a real estate broker desires to associate with another 14719
real estate broker in the capacity of a real estate salesperson, 14720
the broker shall apply to the superintendent to deposit the 14721
broker's real estate broker's license with the superintendent and 14722
for the issuance of a real estate salesperson's license. The 14723

application shall be made on a form prescribed by the 14724
superintendent and shall be accompanied by the recommendation of 14725
the real estate broker with whom the applicant intends to become 14726
associated and a fee of twenty-five dollars for the real estate 14727
salesperson's license. Four dollars of the fee shall be credited 14728
to the real estate education and research fund. If the 14729
superintendent is satisfied that the applicant is honest, 14730
truthful, and of good reputation, has not been convicted of a 14731
felony or a crime involving moral turpitude, and has not been 14732
finally adjudged by a court to have violated any municipal, state, 14733
or federal civil rights laws relevant to the protection of 14734
purchasers or sellers of real estate, and that the association of 14735
the real estate broker and the applicant will be in the public 14736
interest, the superintendent shall grant the application and issue 14737
a real estate salesperson's license to the applicant. Any license 14738
so deposited with the superintendent shall be subject to this 14739
chapter. A broker who intends to deposit the broker's license with 14740
the superintendent, as provided in this section, shall give 14741
written notice of this fact in a format prescribed by the 14742
superintendent to all salespersons associated with the broker when 14743
applying to place the broker's license on deposit. 14744

(F) If a real estate broker desires to become a member or 14745
officer of a partnership, association, limited liability company, 14746
limited liability partnership, or corporation that is or intends 14747
to become a licensed real estate broker, the broker shall notify 14748
the superintendent of the broker's intentions. The notice of 14749
intention shall be on a form prescribed by the superintendent and 14750
shall be accompanied by a fee of twenty-five dollars. Four dollars 14751
of the fee shall be credited to the real estate education and 14752
research fund. 14753

No real estate broker who is a member or officer of a 14754
partnership, association, limited liability company, limited 14755

liability partnership, or corporation that is a licensed real 14756
estate broker shall perform any acts as a real estate broker other 14757
than as the agent of the partnership, association, limited 14758
liability company, limited liability partnership, or corporation, 14759
and such broker shall not have any real estate salespersons 14760
associated with the broker. 14761

(G) If a real estate broker or salesperson enters the armed 14762
forces, the broker or salesperson may place the broker's or 14763
salesperson's license on deposit with the Ohio real estate 14764
commission. The licensee shall not be required to renew the 14765
license until the renewal date that follows the date of discharge 14766
from the armed forces. Any license deposited with the commission 14767
shall be subject to this chapter. Any licensee whose license is on 14768
deposit under this division and who fails to meet the continuing 14769
education requirements of section 4735.141 of the Revised Code 14770
because the licensee is in the armed forces shall satisfy the 14771
commission that the licensee has complied with the continuing 14772
education requirements within twelve months of the licensee's 14773
discharge. The commission shall notify the licensee of the 14774
licensee's obligations under section 4735.141 of the Revised Code 14775
at the time the licensee applies for reactivation of the 14776
licensee's license. 14777

(H) If a licensed real estate salesperson submits an 14778
application to the superintendent to leave the association of one 14779
broker to associate with a different broker, the broker possessing 14780
the licensee's license need not return the salesperson's license 14781
to the superintendent. The superintendent may process the 14782
application regardless of whether the licensee's license is 14783
returned to the superintendent. 14784

Sec. 4735.14. (A) Each license issued under this chapter, 14785
shall be valid without further recommendation or examination until 14786

it is placed in an inactive, voluntary hold, or resigned status, 14787
is revoked, or suspended, or such license expires by operation of 14788
law. 14789

(B) ~~Each~~ Except for a licensee who has placed the licensee's 14790
license on voluntary hold or resigned status pursuant to section 14791
4735.142 of the Revised Code, each licensed broker, brokerage, or 14792
salesperson shall file, on or before the date the Ohio real estate 14793
commission has adopted by rule for that licensee in accordance 14794
with division (A)(2)(f) of section 4735.10 of the Revised Code, a 14795
notice of renewal on a form prescribed by the superintendent of 14796
real estate. The notice of renewal shall be mailed by the 14797
superintendent to the most current personal residence address of 14798
each broker or salesperson as filed with the superintendent by the 14799
licensee and the place of business address of the brokerage two 14800
months prior to the filing deadline. 14801

(C) ~~The~~ Except as otherwise provided in division (B) of this 14802
section, the license of any real estate broker, brokerage, or 14803
salesperson that fails to file a notice of renewal on or before 14804
the filing deadline of each ensuing year shall be suspended 14805
automatically without the taking of any action by the 14806
superintendent. A suspended license may be reactivated within 14807
twelve months of the date of suspension, provided that the renewal 14808
fee plus a penalty fee of fifty per cent of the renewal fee is 14809
paid to the superintendent. Failure to reactivate the license as 14810
provided in this division shall result in automatic revocation of 14811
the license without the taking of any action by the 14812
superintendent. No person, partnership, association, corporation, 14813
limited liability company, or limited partnership shall engage in 14814
any act or acts for which a real estate license is required while 14815
that entity's license is placed in an inactive, voluntary hold, or 14816
resigned status, or is suspended, or revoked. The commission shall 14817
adopt rules in accordance with Chapter 119. of the Revised Code to 14818

provide to licensees notice of suspension or revocation or both. 14819

(D) Each licensee shall notify the commission of a change in 14820
personal residence address. A licensee's failure to notify the 14821
commission of a change in personal residence address does not 14822
negate the requirement to file the license renewal by the required 14823
deadline established by the commission by rule under division 14824
(A)(2)(f) of section 4735.10 of the Revised Code. 14825

(E) The superintendent shall not renew a license if the 14826
licensee is not in compliance with this chapter. 14827

Sec. 4735.141. (A) Except as otherwise provided in this 14828
division and except for a licensee who has placed the licensee's 14829
license on voluntary hold or resigned status pursuant to section 14830
4735.142 of the Revised Code, each person licensed under section 14831
4735.07 or 4735.09 of the Revised Code shall submit proof 14832
satisfactory to the superintendent of real estate that the 14833
licensee has satisfactorily completed thirty hours of continuing 14834
education, as prescribed by the Ohio real estate commission 14835
pursuant to section 4735.10 of the Revised Code, on or before the 14836
licensee's birthday occurring three years after the licensee's 14837
date of initial licensure, and on or before the licensee's 14838
birthday every three years thereafter. 14839

Persons licensed as real estate salespersons who subsequently 14840
become licensed real estate brokers shall continue to submit proof 14841
of continuing education in accordance with the time period 14842
established in this section. 14843

The requirements of this section shall not apply to any 14844
physically handicapped licensee as provided in division (E) of 14845
this section. 14846

Each licensee who is seventy years of age or older, within a 14847
continuing education reporting period, shall submit proof 14848

satisfactory to the superintendent of real estate that the 14849
licensee has satisfactorily completed a total of nine classroom 14850
hours of continuing education, including instruction in Ohio real 14851
estate law; recently enacted state and federal laws affecting the 14852
real estate industry; municipal, state, and federal civil rights 14853
law; and canons of ethics for the real estate industry as adopted 14854
by the commission. The required proof of completion shall be 14855
submitted on or before the licensee's birthday that falls in the 14856
third year of that continuing education reporting period. A 14857
licensee who is seventy years of age or older whose license is in 14858
an inactive status is exempt from the continuing education 14859
requirements specified in this section. The commission shall adopt 14860
reasonable rules in accordance with Chapter 119. of the Revised 14861
Code to carry out the purposes of this paragraph. 14862

(B) The continuing education requirements of this section 14863
shall be completed in schools, seminars, and educational 14864
institutions approved by the commission. Such approval shall be 14865
given according to rules established by the commission under the 14866
procedures of Chapter 119. of the Revised Code, and shall not be 14867
limited to institutions providing two-year or four-year degrees. 14868
Each school, seminar, or educational institution approved under 14869
this division shall be open to all licensees on an equal basis. 14870

(C) If the requirements of this section are not met by a 14871
licensee within the period specified, the licensee's license shall 14872
be suspended automatically without the taking of any action by the 14873
superintendent. The superintendent shall notify the licensee of 14874
the license suspension. Any license so suspended shall remain 14875
suspended until it is reactivated by the superintendent. No such 14876
license shall be reactivated until it is established, to the 14877
satisfaction of the superintendent, that the requirements of this 14878
section have been met. If the requirements of this section are not 14879
met within twelve months from the date the license was suspended, 14880

the license shall be revoked automatically without the taking of 14881
any action by the superintendent. 14882

(D) If the license of a real estate broker is suspended 14883
pursuant to division (C) of this section, the license of a real 14884
estate salesperson associated with that broker correspondingly is 14885
suspended pursuant to division (H) of section 4735.20 of the 14886
Revised Code. However, the suspended license of the associated 14887
real estate salesperson shall be reactivated and no fee shall be 14888
charged or collected for that reactivation if all of the following 14889
occur: 14890

(1) That broker subsequently submits proof to the 14891
superintendent that the broker has complied with the requirements 14892
of this section and requests that the broker's license as a real 14893
estate broker be reactivated. 14894

(2) The superintendent then reactivates the broker's license 14895
as a real estate broker. 14896

(3) The associated real estate salesperson intends to 14897
continue to be associated with that broker, has complied with the 14898
requirements of this section, and otherwise is in compliance with 14899
this chapter. 14900

Any person whose license is reactivated pursuant to this 14901
division shall submit proof satisfactory to the superintendent 14902
that the person has completed thirty hours of continuing 14903
education, as prescribed by the Ohio real estate commission, on or 14904
before the third year following the licensee's birthday occurring 14905
immediately after reactivation. 14906

(E) Any licensee who is a physically handicapped licensee at 14907
any time during the last three months of the third year of the 14908
licensee's continuing education reporting period may receive an 14909
extension of time to submit proof to the superintendent that the 14910
licensee has satisfactorily completed the required thirty hours of 14911

continuing education. To receive an extension of time, the 14912
licensee shall submit a request to the division of real estate for 14913
the extension and proof satisfactory to the commission that the 14914
licensee was a physically handicapped licensee at some time during 14915
the last three months of the three-year reporting period. The 14916
proof shall include, but is not limited to, a signed statement by 14917
the licensee's attending physician describing the physical 14918
disability, certifying that the licensee's disability is of such a 14919
nature as to prevent the licensee from attending any instruction 14920
lasting at least three hours in duration, and stating the expected 14921
duration of the physical disability. The licensee shall request 14922
the extension and provide the physician's statement to the 14923
division no later than one month prior to the end of the 14924
licensee's three-year continuing education reporting period, 14925
unless the physical disability did not arise until the last month 14926
of the three-year reporting period, in which event the licensee 14927
shall request the extension and provide the physician's statement 14928
as soon as practical after the occurrence of the physical 14929
disability. A licensee granted an extension pursuant to this 14930
division who is no longer a physically handicapped licensee and 14931
who submits proof of completion of the continuing education during 14932
the extension period, shall submit, for future continuing 14933
education reporting periods, proof of completion of the continuing 14934
education requirements according to the schedule established in 14935
division (A) of this section. 14936

Sec. 4735.142. (A) Any person licensed under section 4735.07 14937
or 4735.09 of the Revised Code, at any time prior to the date the 14938
licensee is required to file a notice of renewal pursuant to 14939
division (B) of section 4735.14 of the Revised Code may apply to 14940
the superintendent of real estate and professional licensing to 14941
place the licensee's license on voluntary hold or a resigned 14942
status. 14943

(B) If the superintendent has placed a license on voluntary hold pursuant to a request made under division (A) of this section, the licensee who requested that the licensee's license be placed on voluntary hold may apply to the superintendent to reactivate that license within twelve months after the date the license is placed on voluntary hold. The superintendent shall reactivate that license if the licensee complies with the requirements for such reactivation that are specified in rules adopted by the Ohio real estate commission pursuant to division (A) of section 4735.10 of the Revised Code and satisfies all of the following requirements: 14944
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(1) The licensee complies with the postlicensure education requirements specified in section 4735.07 or 4735.09 of the Revised Code, as applicable; 14955
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(2) The licensee complies with the continuing education requirements specified in section 4735.141 of the Revised Code; 14958
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(3) The licensee renews the licensee's license in accordance with section 4735.14 of the Revised Code and, if applicable, pays the annual brokerage assessment fee in accordance with the requirements specified in rules adopted by the commission. 14960
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(C) If a licensee does not apply to reactivate a license on voluntary hold pursuant to division (B) of this section during the twelve-month time period specified in that division or does not satisfy the requirements specified in that division during that twelve-month period, the superintendent shall consider that license to be in a resigned status. The superintendent shall not reactivate a resigned license. The resignation of a license is considered to be final without the taking of any action by the superintendent. If a person whose license is in a resigned status pursuant to this division wishes to obtain an active license, the person shall apply for an active license in accordance with the requirements specified in section 4735.07 or 4735.09 of the 14964
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Revised Code, as applicable. 14976

(D) A licensee, at any time during which a license has been 14977
suspended pursuant to division (G) of section 4735.07, division 14978
(G) of section 4735.09, division (E) of section 4735.12, division 14979
(C) of section 4735.14, division (C) of section 4735.141, or 14980
section 4735.182 of the Revised Code, may apply to the 14981
superintendent on a form prescribed by the superintendent to 14982
voluntarily resign the licensee's license. The resignation of a 14983
license is considered to be final without the taking of any action 14984
by the superintendent. If a person whose license is in a resigned 14985
status pursuant to a request made under this division wishes to 14986
obtain an active or inactive license, the person shall apply for 14987
such a license in accordance with the requirements specified in 14988
section 4735.07 or 4735.09 of the Revised Code, as applicable, or 14989
in the rules adopted by the commission pursuant to division (A) of 14990
section 4735.10 of the Revised Code. 14991

(E) If placing a broker's license on voluntary hold or a 14992
resigned status will result in the closure of the broker's 14993
brokerage, the broker, within three days after applying to the 14994
superintendent to place the license on voluntary hold or a 14995
resigned status, shall provide to each salesperson associated with 14996
that broker a written notice stating that fact. 14997

(F) This section does not apply to any licensee whose license 14998
has been suspended pursuant to division (F) of section 4735.181 of 14999
the Revised Code or due to disciplinary action ordered by the 15000
commission pursuant to section 4735.051 of the Revised Code. 15001

Sec. 4752.04. A person seeking a license to provide home 15002
medical equipment services shall apply to the Ohio respiratory 15003
care board on a form the board shall prescribe and provide. The 15004
application must be accompanied by the license application fee 15005
established in rules adopted under section 4752.17 of the Revised 15006

Code and, except that the board may waive all or part of the fee 15007
if the board determines that an applicant's license will be issued 15008
in the last six months of the biennial licensing period 15009
established under section 4752.05 of the Revised Code. 15010

In the application, the applicant shall specify the name and 15011
location of the facility from which services will be provided. 15012

Sec. 4752.05. (A) The Ohio respiratory care board shall issue 15013
a license to provide home medical equipment services to each 15014
applicant under section 4752.04 of the Revised Code that meets 15015
either of the following requirements: 15016

(1) Meets the standards established by the board in rules 15017
adopted under section 4752.17 of the Revised Code; 15018

(2) Is a pharmacy licensed under Chapter 4729. of the Revised 15019
Code that receives total payments of ten thousand dollars or more 15020
per year from selling or renting home medical equipment. 15021

(B) During the period ending one year after ~~the effective~~ 15022
~~date of this section~~ September 16, 2004, an applicant that does 15023
not meet either of the requirements of division (A) of this 15024
section shall be granted a provisional license if for at least 15025
twelve months prior to ~~the effective date of this section~~ 15026
September 16, 2004 the applicant was engaged in the business of 15027
providing home medical equipment services. The provisional license 15028
expires one year following the date on which it is issued and is 15029
not subject to renewal under section 4752.06 of the Revised Code. 15030

(C) The board may conduct a personal interview of an 15031
applicant, or an applicant's representative, to determine the 15032
applicant's qualifications for licensure. 15033

(D) A license issued under division (A) of this section ~~is~~ 15034
~~valid from the day it is issued until the thirtieth day of June~~ 15035
~~that immediately follows the date of issue. Thereafter a license~~ 15036

~~is valid only if it is~~ expires at the end of the licensing period 15037
~~for which it is issued and may be~~ renewed in accordance with 15038
section 4752.06 of the Revised Code ~~biennially on or before the~~ 15039
~~thirtieth day of June.~~ For purposes of issuing and renewing 15040
licenses, the board shall use a biennial licensing period that 15041
begins on the first day of July of each even-numbered year and 15042
ends on the thirtieth day of June of the next succeeding 15043
even-numbered year. 15044

(E) Any license issued under this section is valid only for 15045
the facility named in the application. 15046

Sec. 4752.06. Except for a provisional license issued under 15047
section 4752.05 of the Revised Code, a license issued under this 15048
chapter shall be renewed by the Ohio respiratory care board if the 15049
license holder is in compliance with the applicable requirements 15050
of this chapter. 15051

An application for license renewal shall be accompanied by 15052
the renewal fee established in rules adopted under section 4752.17 15053
of the Revised Code and, except as provided in division (B) of 15054
section 4752.07 of the Revised Code, by documentation satisfactory 15055
to the board that the continuing education requirements of section 15056
4752.07 of the Revised Code have been met. Renewals shall be made 15057
in accordance with the standard renewal procedure established 15058
under Chapter 4745. of the Revised Code and the renewal procedures 15059
established in rules adopted under section 4752.17 of the Revised 15060
Code. 15061

Sec. 4752.07. (A) The holder of a license issued under this 15062
chapter shall do all of the following: 15063

~~(A)(1)~~ Maintain a physical facility and a medical equipment 15064
inventory; 15065

~~(B)(2)~~ Establish equipment management and personnel policies; 15066

~~(C)~~(3) Provide life-sustaining home medical equipment, as 15067
described in division (B)(1) of section 4752.01 of the Revised 15068
Code, and related home medical equipment services twenty-four 15069
hours per day, seven days per week; 15070

~~(D)~~ Require (4) Except as provided in division (B) of this 15071
section, require persons in its employ or under its control who 15072
provide home medical equipment services to successfully complete 15073
continuing education programs in home medical equipment services 15074
that meet the standards established by rule adopted under section 15075
4752.17 of the Revised Code and maintain records on participation 15076
in those programs; 15077

~~(E)~~(5) Maintain records on all individuals to whom it 15078
provides home medical equipment and services; 15079

~~(F)~~(6) Maintain liability insurance, including coverage for 15080
professional and products liability; 15081

~~(G)~~(7) Comply with all other requirements established by rule 15082
adopted under section 4752.17 of the Revised Code that apply to 15083
persons licensed under this chapter. 15084

(B) For the first renewal of a license that was issued in the 15085
last six months of the biennial licensing period established under 15086
section 4752.05 of the Revised Code, the board may waive all or 15087
part of the continuing education requirements that otherwise would 15088
have to be met to renew the license under section 4752.06 of the 15089
Revised Code. 15090

Sec. 4752.11. (A) A person seeking a certificate of 15091
registration to provide home medical equipment services shall 15092
apply to the Ohio respiratory care board on a form the board shall 15093
prescribe and provide. The application must be accompanied by the 15094
registration fee established in rules adopted under section 15095
4752.17 of the Revised Code, except that the board may waive all 15096

or part of the fee if the board determines that an applicant's 15097
certificate of registration will be issued in the last six months 15098
of the biennial registration period established under section 15099
4752.12 of the Revised Code. 15100

(B) The applicant shall specify in the application all of the 15101
following: 15102

(1) The name of the facility from which services will be 15103
provided; 15104

(2) The facility's address; 15105

(3) The facility's telephone number; 15106

(4) A person who may be contacted with regard to the 15107
facility; 15108

(5) The name of the national accrediting body that issued the 15109
accreditation on which the application is based; 15110

(6) The applicant's accreditation number and the expiration 15111
date of the accreditation; 15112

(7) A telephone number that may be used twenty-four hours a 15113
day, seven days a week, to obtain information related to the 15114
facility's provision of home medical equipment services. 15115

Sec. 4752.12. (A) The Ohio respiratory care board shall issue 15116
a certificate of registration to provide home medical equipment 15117
services to each applicant who submits a complete application 15118
under section 4752.11 of the Revised Code. For purposes of this 15119
division, an application is complete only if the board finds that 15120
the applicant holds accreditation from the joint commission on 15121
accreditation of healthcare organizations or another national 15122
accrediting body recognized by the board, as specified in rules 15123
adopted under section 4752.17 of the Revised Code. 15124

(B) A certificate of registration issued under this section 15125

~~is valid from the day it is issued until the thirtieth day of June~~ 15126
~~that immediately follows the date of issue. Thereafter, a~~ 15127
~~certificate of registration is valid only if it is expires at the~~ 15128
~~end of the registration period for which it is issued and may be~~ 15129
~~renewed in accordance with section 4752.13 of the Revised Code~~ 15130
~~biennially on or before the thirtieth day of June. For purposes of~~ 15131
~~renewing certificates of registration, the board shall use a~~ 15132
~~biennial registration period that begins on the first day of July~~ 15133
~~of each even-numbered year and ends on the thirtieth day of June~~ 15134
~~of the next succeeding even-numbered year.~~ 15135

(C) A certificate of registration issued under this section 15136
is valid only for the facility named in the application. 15137

Sec. 4752.13. A certificate of registration issued under this 15138
chapter shall be renewed by the Ohio respiratory care board if the 15139
certificate holder is accredited by the joint commission on 15140
accreditation of healthcare organizations or another national 15141
accrediting body recognized by the board, as specified in rules 15142
adopted under section 4752.17 of the Revised Code. 15143

An application for renewal of a certificate of registration 15144
shall be accompanied by the renewal fee established in rules 15145
adopted under section 4752.17 of the Revised Code. Renewals shall 15146
be made in accordance with the standard renewal procedure 15147
established under Chapter 4745. of the Revised Code and the 15148
renewal procedures established in rules adopted under section 15149
4752.17 of the Revised Code. 15150

Sec. 4905.84. (A) As used in this section: 15151

(1) "Telecommunications relay service" means intrastate 15152
transmission services that provide the ability for an individual 15153
who has a hearing or speech impairment to engage in a 15154
communication by wire or radio with a hearing individual in a 15155

manner that is functionally equivalent to the ability of an 15156
individual who does not have a hearing or speech impairment to 15157
communicate using voice communication services by wire or radio. 15158
"Telecommunications relay service" includes services that enable 15159
two-way communication between an individual who uses a 15160
telecommunications device for the deaf or other nonvoice terminal 15161
device and an individual who does not use such a device. 15162

(2) "TRS provider" means an entity selected by the public 15163
utilities commission as the provider of telecommunications relay 15164
service for this state as part of the commission's intrastate 15165
telecommunications relay service program certified pursuant to 15166
federal law. 15167

(B) For the sole purpose of funding telecommunications relay 15168
service, the commission shall, not earlier than January 1, 2009, 15169
impose on and collect from each service provider that is required 15170
under federal law to provide its customers access to 15171
telecommunications relay service an annual assessment to pay for 15172
costs incurred by the TRS provider for providing such service in 15173
Ohio. The commission shall determine the appropriate service 15174
providers to be assessed the telecommunications relay service 15175
costs, including telephone companies as defined in division (A)(2) 15176
of section 4905.03 of the Revised Code, commercial mobile radio 15177
service providers, and providers of advanced services or internet 15178
protocol-enabled services that are competitive with or 15179
functionally equivalent to basic local exchange service as defined 15180
in section 4927.01 of the Revised Code. 15181

(C) The assessment shall be allocated proportionately among 15182
the appropriate service providers using a competitively neutral 15183
formula established by the commission based on the number of 15184
retail intrastate customer access lines or their equivalent. The 15185
commission shall annually reconcile the funds collected with the 15186
actual costs of providing telecommunications relay service when it 15187

issues the assessment and shall either proportionately charge the 15188
service providers for any amounts not sufficient to cover the 15189
actual costs or proportionately credit amounts collected in excess 15190
of the actual costs. The total amount assessed from all service 15191
providers shall not exceed the total telecommunications relay 15192
service costs. 15193

Each service provider that pays the assessment shall be 15194
permitted to recover the cost of the assessment. The method of 15195
recovery may include, but is not limited to, a customer billing 15196
surcharge. 15197

The commission shall deposit the money collected in the 15198
telecommunications relay service fund, which is hereby created in 15199
the state treasury, and shall use the money in that fund solely to 15200
compensate the TRS provider. 15201

(D) The commission shall take such measures as it considers 15202
necessary to protect the confidentiality of information provided 15203
to the commission pursuant to this section by service providers 15204
required to pay the assessment. 15205

(E) The commission may assess a forfeiture of not more than 15206
one thousand dollars on any service provider failing to comply 15207
with this section. Each day's continuance of such failure is a 15208
separate offense. The forfeiture shall be recovered in accordance 15209
with sections 4905.55 to 4905.60 of the Revised Code. 15210

(F) The jurisdiction and authority granted to the commission 15211
by this section is limited to the administration and enforcement 15212
of this section. The commission may adopt such rules as it finds 15213
necessary to carry out this section. The commission shall adopt 15214
rules under Chapter 119. of the Revised Code to establish the 15215
assessment amounts and procedures. 15216

Sec. 4928.142. (A) For the purpose of complying with section 15217

4928.141 of the Revised Code and subject to division (D) of this 15218
section and, as applicable, subject to the rate plan requirement 15219
of division (A) of section 4928.141 of the Revised Code, an 15220
electric distribution utility may establish a standard service 15221
offer price for retail electric generation service that is 15222
delivered to the utility under a market-rate offer. 15223

(1) The market-rate offer shall be determined through a 15224
competitive bidding process that provides for all of the 15225
following: 15226

(a) Open, fair, and transparent competitive solicitation; 15227

(b) Clear product definition; 15228

(c) Standardized bid evaluation criteria; 15229

(d) Oversight by an independent third party that shall design 15230
the solicitation, administer the bidding, and ensure that the 15231
criteria specified in division (A)(1)(a) to (c) of this section 15232
are met; 15233

(e) Evaluation of the submitted bids prior to the selection 15234
of the least-cost bid winner or winners. 15235

No generation supplier shall be prohibited from participating 15236
in the bidding process. 15237

(2) The public utilities commission shall modify rules, or 15238
adopt new rules as necessary, concerning the conduct of the 15239
competitive bidding process and the qualifications of bidders, 15240
which rules shall foster supplier participation in the bidding 15241
process and shall be consistent with the requirements of division 15242
(A)(1) of this section. 15243

(B) Prior to initiating a competitive bidding process for a 15244
market-rate offer under division (A) of this section, the electric 15245
distribution utility shall file an application with the 15246
commission. An electric distribution utility may file its 15247

application with the commission prior to the effective date of the 15248
commission rules required under division (A)(2) of this section, 15249
and, as the commission determines necessary, the utility shall 15250
immediately conform its filing to the rules upon their taking 15251
effect. 15252

An application under this division shall detail the electric 15253
distribution utility's proposed compliance with the requirements 15254
of division (A)(1) of this section and with commission rules under 15255
division (A)(2) of this section and demonstrate that all of the 15256
following requirements are met: 15257

(1) The electric distribution utility or its transmission 15258
service affiliate belongs to at least one regional transmission 15259
organization that has been approved by the federal energy 15260
regulatory commission; or there otherwise is comparable and 15261
nondiscriminatory access to the electric transmission grid. 15262

(2) Any such regional transmission organization has a 15263
market-monitor function and the ability to take actions to 15264
identify and mitigate market power or the electric distribution 15265
utility's market conduct; or a similar market monitoring function 15266
exists with commensurate ability to identify and monitor market 15267
conditions and mitigate conduct associated with the exercise of 15268
market power. 15269

(3) A published source of information is available publicly 15270
or through subscription that identifies pricing information for 15271
traded electricity on- and off-peak energy products that are 15272
contracts for delivery beginning at least two years from the date 15273
of the publication and is updated on a regular basis. 15274

The commission shall initiate a proceeding and, within ninety 15275
days after the application's filing date, shall determine by order 15276
whether the electric distribution utility and its market-rate 15277
offer meet all of the foregoing requirements. If the finding is 15278

positive, the electric distribution utility may initiate its 15279
competitive bidding process. If the finding is negative as to one 15280
or more requirements, the commission in the order shall direct the 15281
electric distribution utility regarding how any deficiency may be 15282
remedied in a timely manner to the commission's satisfaction; 15283
otherwise, the electric distribution utility shall withdraw the 15284
application. However, if such remedy is made and the subsequent 15285
finding is positive and also if the electric distribution utility 15286
made a simultaneous filing under this section and section 4928.143 15287
of the Revised Code, the utility shall not initiate its 15288
competitive bid until at least one hundred fifty days after the 15289
filing date of those applications. 15290

(C) Upon the completion of the competitive bidding process 15291
authorized by divisions (A) and (B) of this section, including for 15292
the purpose of division (D) of this section, the commission shall 15293
select the least-cost bid winner or winners of that process, and 15294
such selected bid or bids, as prescribed as retail rates by the 15295
commission, shall be the electric distribution utility's standard 15296
service offer unless the commission, by order issued before the 15297
third calendar day following the conclusion of the competitive 15298
bidding process for the market rate offer, determines that one or 15299
more of the following criteria were not met: 15300

(1) Each portion of the bidding process was oversubscribed, 15301
such that the amount of supply bid upon was greater than the 15302
amount of the load bid out. 15303

(2) There were four or more bidders. 15304

(3) At least twenty-five per cent of the load is bid upon by 15305
one or more persons other than the electric distribution utility. 15306

All costs incurred by the electric distribution utility as a 15307
result of or related to the competitive bidding process or to 15308
procuring generation service to provide the standard service 15309

offer, including the costs of energy and capacity and the costs of 15310
all other products and services procured as a result of the 15311
competitive bidding process, shall be timely recovered through the 15312
standard service offer price, and, for that purpose, the 15313
commission shall approve a reconciliation mechanism, other 15314
recovery mechanism, or a combination of such mechanisms for the 15315
utility. 15316

(D) The first application filed under this section by an 15317
electric distribution utility that, as of ~~the effective date of~~ 15318
~~this section~~ July 31, 2008, directly owns, in whole or in part, 15319
operating electric generating facilities that had been used and 15320
useful in this state shall require that a portion of that 15321
utility's standard service offer load for the first five years of 15322
the market rate offer be competitively bid under division (A) of 15323
this section as follows: ten per cent of the load in year one ~~and,~~ 15324
not ~~less~~ more than twenty per cent in year two, thirty per cent in 15325
year three, forty per cent in year four, and fifty per cent in 15326
year five. Consistent with those percentages, the commission shall 15327
determine the actual percentages for each year of years one 15328
through five. The standard service offer price for retail electric 15329
generation service under this first application shall be a 15330
proportionate blend of the bid price and the generation service 15331
price for the remaining standard service offer load, which latter 15332
price shall be equal to the electric distribution utility's most 15333
recent standard service offer price, adjusted upward or downward 15334
as the commission determines reasonable, relative to the 15335
jurisdictional portion of any known and measurable changes from 15336
the level of any one or more of the following costs as reflected 15337
in that most recent standard service offer price: 15338

(1) The electric distribution utility's prudently incurred 15340
cost of fuel used to produce electricity; 15341

(2) Its prudently incurred purchased power costs; 15342

(3) Its prudently incurred costs of satisfying the supply and 15343
demand portfolio requirements of this state, including, but not 15344
limited to, renewable energy resource and energy efficiency 15345
requirements; 15346

(4) Its costs prudently incurred to comply with environmental 15347
laws and regulations, with consideration of the derating of any 15348
facility associated with those costs. 15349

In making any adjustment to the most recent standard service 15350
offer price on the basis of costs described in division (D) of 15351
this section, the commission shall include the benefits that may 15352
become available to the electric distribution utility as a result 15353
of or in connection with the costs included in the adjustment, 15354
including, but not limited to, the utility's receipt of emissions 15355
credits or its receipt of tax benefits or of other benefits, and, 15356
accordingly, the commission may impose such conditions on the 15357
adjustment to ensure that any such benefits are properly aligned 15358
with the associated cost responsibility. The commission shall also 15359
determine how such adjustments will affect the electric 15360
distribution utility's return on common equity that may be 15361
achieved by those adjustments. The commission shall not apply its 15362
consideration of the return on common equity to reduce any 15363
adjustments authorized under this division unless the adjustments 15364
will cause the electric distribution utility to earn a return on 15365
common equity that is significantly in excess of the return on 15366
common equity that is earned by publicly traded companies, 15367
including utilities, that face comparable business and financial 15368
risk, with such adjustments for capital structure as may be 15369
appropriate. The burden of proof for demonstrating that 15370
significantly excessive earnings will not occur shall be on the 15371
electric distribution utility. 15372

Additionally, the commission may adjust the electric 15373

distribution utility's most recent standard service offer price by 15374
such just and reasonable amount that the commission determines 15375
necessary to address any emergency that threatens the utility's 15376
financial integrity or to ensure that the resulting revenue 15377
available to the utility for providing the standard service offer 15378
is not so inadequate as to result, directly or indirectly, in a 15379
taking of property without compensation pursuant to Section 19 of 15380
Article I, Ohio Constitution. The electric distribution utility 15381
has the burden of demonstrating that any adjustment to its most 15382
recent standard service offer price is proper in accordance with 15383
this division. 15384

(E) Beginning in the second year of a blended price under 15385
division (D) of this section and notwithstanding any other 15386
requirement of this section, the commission may alter 15387
prospectively the proportions specified in that division to 15388
mitigate any effect of an abrupt or significant change in the 15389
electric distribution utility's standard service offer price that 15390
would otherwise result in general or with respect to any rate 15391
group or rate schedule but for such alteration. Any such 15392
alteration shall be made not more often than annually, and the 15393
commission shall not, by altering those proportions and in any 15394
event, including because of the length of time, as authorized 15395
under division (C) of this section, taken to approve the market 15396
rate offer, cause the duration of the blending period to exceed 15397
ten years as counted from the effective date of the approved 15398
market rate offer. Additionally, any such alteration shall be 15399
limited to an alteration affecting the prospective proportions 15400
used during the blending period and shall not affect any blending 15401
proportion previously approved and applied by the commission under 15402
this division. 15403

(F) An electric distribution utility that has received 15404
commission approval of its first application under division (C) of 15405

this section shall not, nor ever shall be authorized or required 15406
by the commission to, file an application under section 4928.143 15407
of the Revised Code. 15408

Sec. 5101.5211. (A) As used in sections 5101.5211 to 15409
5101.5216 of the Revised Code: 15410

"Children's buy-in program" means the program established 15411
under sections 5101.5211 to 5101.5216 of the Revised Code. 15412

"Countable family income" has the meaning established in 15413
rules adopted under section 5101.5215 of the Revised Code. 15414

"Creditable coverage" has the same meaning as in 42 U.S.C. 15415
300gg(c)(1), except that it does not mean medical assistance 15416
available under the children's buy-in program or the program for 15417
medically handicapped children. 15418

"Family" has the meaning established in rules adopted under 15419
section 5101.5215 of the Revised Code. 15420

"Federal poverty guidelines" has the same meaning as in 15421
section 5101.46 of the Revised Code. 15422

"Program for medically handicapped children" means the 15423
program established under sections 3701.021 to 3701.0210 of the 15424
Revised Code. 15425

(B) The director of job and family services shall establish 15426
the children's buy-in program in accordance with sections 15427
5101.5211 to 5101.5216 of the Revised Code. The director shall 15428
submit to the United States secretary of health and human services 15429
an amendment to the state medicaid plan, an amendment to the state 15430
child health plan, one or more requests for a federal waiver, or 15431
such an amendment and waiver requests as necessary to seek federal 15432
matching funds for the children's buy-in program. The director 15433
shall not begin implementation of the program until after 15434
submitting the amendment, waiver request, or both. The director 15435

may begin implementation of the program before receiving approval 15436
of the amendment, waiver request, or both using state funds only. 15437
The director shall implement the program regardless of whether the 15438
amendment, waiver request, or both are denied. The program shall 15439
be funded with state funds only if the United States secretary 15440
denies federal matching funds for the program. If the United 15441
States secretary approves federal matching funds for the program 15442
and if permitted under the terms of the approval, the program 15443
shall be operated as part of the medicaid program, the children's 15444
health insurance program, or both. 15445

Sec. 5101.5212. Under the children's buy-in program and 15446
subject to section 5101.5213 of the Revised Code, an individual 15447
who does both of the following in accordance with rules adopted 15448
under section 5101.5215 of the Revised Code qualifies for medical 15449
assistance under the program, unless the director of job and 15450
family services has adopted rules under division (B) of section 15451
5101.5215 of the Revised Code to limit the number of individuals 15452
who may participate in the program at one time and the program is 15453
servng the maximum number of individuals specified in the rules: 15454

(A) Applies for the children's buy-in program; 15455
15456

(B) Provides satisfactory evidence of all of the following: 15457

(1) That the individual is under nineteen years of age; 15458

(2) That the individual's countable family income exceeds 15459
~~three~~ two hundred fifty per cent of the federal poverty 15460
guidelines; 15461

(3) That the individual has not had creditable coverage for 15462
at least six months before enrolling in the children's buy-in 15463
program; 15464

(4) That one or more of the following apply to the 15465

individual:	15466
(a) The individual is unable to obtain creditable coverage due to a pre-existing condition of the individual;	15467 15468
(b) The individual lost the only creditable coverage available to the individual because the individual has exhausted a lifetime benefit limitation;	15469 15470 15471
(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;	15472 15473 15474
(d) The individual participates in the program for medically handicapped children.	15475 15476
(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.	15477 15478 15479
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:	15480 15481 15482 15483 15484
(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:	15485 15486 15487 15488
(a) If no other member of the individual's family receives medical assistance under the program with the individual, one hundred dollars;	15489 15490 15491
(b) If one or more members of the individual's family receive medical assistance under the program with the individual, one hundred fifty dollars.	15492 15493 15494

(2) In the case of an individual with countable family income 15495
exceeding four hundred per cent but not exceeding five hundred per 15496
cent of the federal poverty guidelines, the following amount: 15497
15498

(a) If no other member of the individual's family receives 15499
medical assistance under the program with the individual, one 15500
hundred twenty-five dollars; 15501

(b) If one or more members of the individual's family receive 15502
medical assistance under the program with the individual, one 15503
hundred seventy-five dollars. 15504

(3) In the case of an individual with countable family income 15505
exceeding five hundred per cent of the federal poverty guidelines, 15506
the full amount of the actuarially determined cost of the premium. 15507
15508

(B) If the premium for the children's buy-in program is not 15509
paid for two consecutive months, the individual shall lose 15510
eligibility for the program. The individual may not resume 15511
participation in the program until the unpaid premiums that 15512
accrued before the individual lost eligibility are paid. 15513

Sec. 5101.5214. (A) An individual participating in the 15514
children's buy-in program ~~may~~ shall be charged co-payments ~~to the~~ 15515
~~extent required established~~ by rules, ~~if any,~~ adopted under 15516
~~division (B) of~~ section 5101.5215 of the Revised Code. 15517

(B) Notwithstanding division (B) of section 5111.0112 of the 15518
Revised Code, if applicable, and to the extent permitted by 15519
federal law, a provider may refuse to provide a service to an 15520
individual if a co-payment ~~authorized~~ required by this section is 15521
not paid. 15522

Sec. 5101.5215. (A) The director of job and family services 15523
shall adopt rules in accordance with Chapter 119. of the Revised 15524

Code as necessary to implement the children's buy-in program, 15525
including rules that do all of the following: 15526

(1) Establish the meaning of "countable family income" and 15527
"family"; 15528

(2) For the purpose of section 5101.5212 of the Revised Code, 15529
establish additional eligibility requirements for the program; 15530
15531

(3) For the purpose of section 5101.5213 of the Revised Code, 15532
establish monthly premiums for the children's buy-in program; 15533
15534

(4) For the purpose of section 5101.5214 of the Revised Code, 15535
establish copayment requirements for the children's buy-in 15536
program. 15537

(B) The director may adopt rules in accordance with Chapter 15538
119. of the Revised Code to ~~establish co-payment requirements for~~ 15539
limit the number of individuals participating who may participate 15540
in the children's buy-in program at one time. 15541

Sec. 5101.572. (A) A third party shall cooperate with the 15542
department of job and family services in identifying individuals 15543
for the purpose of establishing third party liability pursuant to 15544
Title XIX of the Social Security Act, as amended. 15545

(B) In furtherance of the requirement in division (A) of this 15546
section and to allow the department to determine any period that 15547
the individual or the individual's spouse or dependent may have 15548
been covered by the third party and the nature of the coverage, a 15549
third party shall provide, as the department so chooses, 15550
information or access to information, or both, in the third 15551
party's electronic data system on the department's request and in 15552
accordance with division (C) of this section. 15553

(C)(1) If the department chooses to receive information 15554

directly, the third party shall provide the information under all 15555
of the following circumstances: 15556

(a) In a medium, format, and manner prescribed by the 15557
director of job and family services in rules adopted under section 15558
5101.591 of the Revised Code; 15559

(b) Free of charge; 15560

(c) Not later than the end of the thirtieth day after the 15561
department makes its request, unless a different time is agreed to 15562
by the director in writing. 15563

(2) If the department chooses to receive access to 15564
information, the third party shall provide access by a method 15565
prescribed by the director of job and family services in rules 15566
adopted under section 5101.591 of the Revised Code. In 15567
facilitating access, the department may enter into a trading 15568
partner agreement with the third party to permit the exchange of 15569
information via "ASC X 12N 270/271 Health Care Eligibility Benefit 15570
Inquiry and Response" transactions. 15571

(D) All of the following apply with respect to information 15572
provided by a third party to the department under this section: 15573

(1) The information is confidential and not a public record 15574
under section 149.43 of the Revised Code. 15575

(2) The release of information to the department is not to be 15576
considered a violation of any right of confidentiality or contract 15577
that the third party may have with covered persons including, but 15578
not limited to, contractees, beneficiaries, heirs, assignees, and 15579
subscribers. 15580

(3) The third party is immune from any liability that it may 15581
otherwise incur through its release of information to the 15582
department. 15583

The department of job and family services shall limit its use 15584

of information gained from third parties to purposes directly 15585
connected with the administration of the medicaid program and the 15586
child support program authorized by Title IV-D of the "Social 15587
Security Act." 15588

(E) No third party shall disclose to other parties or make 15589
use of any information regarding recipients of aid under Chapter 15590
5107. or 5111. of the Revised Code that it obtains from the 15591
department, except in the manner provided for by the director of 15592
job and family services in administrative rules. 15593

Sec. 5101.80. (A) As used in this section and in section 15594
5101.801 of the Revised Code: 15595

(1) "County family services agency" has the same meaning as 15596
in section 307.981 of the Revised Code. 15597

(2) "State agency" has the same meaning as in section 9.82 of 15598
the Revised Code. 15599

(3) "Title IV-A administrative agency" means both of the 15600
following: 15601

(a) A county family services agency or state agency 15602
administering a Title IV-A program under the supervision of the 15603
department of job and family services; 15604

(b) A government agency or private, not-for-profit entity 15605
administering a project funded in whole or in part with funds 15606
provided under the Title IV-A demonstration program created under 15607
section 5101.803 of the Revised Code. 15608

(4) "Title IV-A program" means all of the following that are 15609
funded in part with funds provided under the temporary assistance 15610
for needy families block grant established by Title IV-A of the 15611
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 15612
amended: 15613

(a) The Ohio works first program established under Chapter 15614

5107. of the Revised Code;	15615
(b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;	15616 15617
(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;	15618 15619 15620 15621
(d) The kinship permanency incentive program created under section 5101.802 of the Revised Code;	15622 15623
(e) The Title IV-A demonstration program created under section 5101.803 of the Revised Code;	15624 15625
(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.	15626 15627 15628 15629
(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.	15630 15631 15632 15633 15634 15635 15636 15637 15638
(C) The department of job and family services shall do all of the following:	15639 15640
(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;	15641 15642 15643
(2) Prepare and submit to the United States secretary of	15644

health and human services amendments to the Title IV-A state plan 15645
that the department determines necessary, including amendments 15646
necessary to implement Title IV-A programs identified in divisions 15647
(A)(4)(c) to (f) of this section; 15648

(3) Prescribe forms for applications, certificates, reports, 15649
records, and accounts of Title IV-A administrative agencies, and 15650
other matters related to Title IV-A programs; 15651

(4) Make such reports, in such form and containing such 15652
information as the department may find necessary to assure the 15653
correctness and verification of such reports, regarding Title IV-A 15654
programs; 15655

(5) Require reports and information from each Title IV-A 15656
administrative agency as may be necessary or advisable regarding a 15657
Title IV-A program; 15658

(6) Afford a fair hearing in accordance with section 5101.35 15659
of the Revised Code to any applicant for, or participant or former 15660
participant of, a Title IV-A program aggrieved by a decision 15661
regarding the program; 15662

(7) Administer and expend, pursuant to Chapters 5104., 5107., 15663
and 5108. of the Revised Code and sections 5101.801, 5101.802, and 15664
5101.803 of the Revised Code, any sums appropriated by the general 15665
assembly for the purpose of those chapters and sections and all 15666
sums paid to the state by the secretary of the treasury of the 15667
United States as authorized by Title IV-A of the "Social Security 15668
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended; 15669

(8) Conduct investigations and audits as are necessary 15670
regarding Title IV-A programs; 15671

(9) Enter into reciprocal agreements with other states 15672
relative to the provision of Ohio works first and prevention, 15673
retention, and contingency to residents and nonresidents; 15674

(10) Contract with a private entity to conduct an independent on-going evaluation of the Ohio works first program and the prevention, retention, and contingency program. The contract must require the private entity to do all of the following:

(a) Examine issues of process, practice, impact, and outcomes;

(b) Study former participants of Ohio works first who have not participated in Ohio works first for at least one year to determine whether they are employed, the type of employment in which they are engaged, the amount of compensation they are receiving, whether their employer provides health insurance, whether and how often they have received benefits or services under the prevention, retention, and contingency program, and whether they are successfully self sufficient;

(c) Provide the department with reports at times the department specifies.

(11) Not later than ~~January 1, 2001,~~ and the ~~first~~ last day of each January and July ~~thereafter~~, prepare a report containing information on the following:

(a) Individuals exhausting the time limits for participation in Ohio works first set forth in section 5107.18 of the Revised Code.

(b) Individuals who have been exempted from the time limits set forth in section 5107.18 of the Revised Code and the reasons for the exemption.

(D) The department shall provide copies of the reports it receives under division (C)(10) of this section and prepares under division (C)(11) of this section to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity

on request. 15706

(E) An authorized representative of the department or a 15707
county family services agency or state agency administering a 15708
Title IV-A program shall have access to all records and 15709
information bearing thereon for the purposes of investigations 15710
conducted pursuant to this section. An authorized representative 15711
of a government entity or private, not-for-profit entity 15712
administering a project funded in whole or in part with funds 15713
provided under the Title IV-A demonstration program shall have 15714
access to all records and information bearing on the project for 15715
the purpose of investigations conducted pursuant to this section. 15716

Sec. 5111.0210. Until July 1, 2009, the director of job and 15717
family services shall not change the medicaid reimbursement rates 15718
that apply to providers of durable medical equipment from the 15719
rates that are in effect on the effective date of this section. 15720

On and after July 1, 2009, the director shall establish 15721
medicaid reimbursement rates that apply to providers of durable 15722
medical equipment by using a cost analysis methodology. The 15723
methodology shall include a statistically valid sample of all 15724
types of durable medical equipment providers in this state, 15725
including providers that have a large volume of sales, providers 15726
that have a small volume of sales, and providers that operate 15727
predominantly in rural, suburban, or metropolitan areas. The 15728
statistical mean that is derived by using the cost analysis 15729
methodology shall be used by the director to establish the 15730
medicaid rates that apply to providers of durable medical 15731
equipment. 15732

Sec. 5111.032. (A) As used in this section: 15733

(1) "Criminal records check" has the same meaning as in 15734
section 109.572 of the Revised Code. 15735

(2) "Department" includes a designee of the department of job and family services. 15736
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(3) "Owner" means a person who has an ownership interest in a provider in an amount designated by the department of job and family services in rules adopted under this section. 15738
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(4) "Provider" means a person, institution, or entity that has a provider agreement with the department of job and family services pursuant to Title XIX of the "Social Security Act," 49 State. 620 (1965), 42 U.S.C. 1396, as amended. 15741
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(B)(1) Except as provided in division (B)(2) of this section, the department of job and family services may require that any provider, applicant to be a provider, employee or prospective employee of a provider, owner or prospective owner of a provider, officer or prospective officer of a provider, or board member or prospective board member of a provider submit to a criminal records check as a condition of obtaining a provider agreement, continuing to hold a provider agreement, being employed by a provider, having an ownership interest in a provider, or being an officer or board member of a provider. The department may designate the categories of persons who are subject to the criminal records check requirement. The department shall designate the times at which the criminal records checks must be conducted. 15745
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(2) The section does not apply to providers, applicants to be providers, employees of a provider, or prospective employees of a provider who are subject to criminal records checks under section 5111.033 or 5111.034 of the Revised Code. 15758
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(C)(1) The department shall inform each provider or applicant to be a provider whether the provider or applicant is subject to a criminal records check requirement under division (B) of this section. For providers, the information shall be given at times designated in rules adopted under this section. For applicants to 15762
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be providers, the information shall be given at the time of 15767
initial application. When the information is given, the department 15768
shall specify which of the provider's or applicant's employees or 15769
prospective employees, owners or prospective owners, officers or 15770
prospective officers, or board members or prospective board 15771
members are subject to the criminal records check requirement. 15772

(2) At times designated in rules adopted under this section, 15773
a provider that is subject to the criminal records check 15774
requirement shall inform each person specified by the department 15775
under division (C)(1) of this section that the person is required, 15776
as applicable, to submit to a criminal records check for final 15777
consideration for employment in a full-time, part-time, or 15778
temporary position; as a condition of continued employment; or as 15779
a condition of becoming or continuing to be an officer, board 15780
member or owner of a provider. 15781

(D)(1) If a provider or applicant to be a provider is subject 15782
to a criminal records check under this section, the department 15783
shall require the conduct of a criminal records check by the 15784
superintendent of the bureau of criminal identification and 15785
investigation. If a provider or applicant to be a provider for 15786
whom a criminal records check is required does not present proof 15787
of having been a resident of this state for the five-year period 15788
immediately prior to the date the criminal records check is 15789
requested or provide evidence that within that five-year period 15790
the superintendent has requested information about the individual 15791
from the federal bureau of investigation in a criminal records 15792
check, the department shall require the provider or applicant to 15793
request that the superintendent obtain information from the 15794
federal bureau of investigation as part of the criminal records 15795
check of the provider or applicant. Even if a provider or 15796
applicant for whom a criminal records check request is required 15797
presents proof of having been a resident of this state for the 15798

five-year period, the department may require that the provider or 15799
applicant request that the superintendent obtain information from 15800
the federal bureau of investigation and include it in the criminal 15801
records check of the provider or applicant. 15802

(2) A provider shall require the conduct of a criminal 15803
records check by the superintendent with respect to each of the 15804
persons specified by the department under division (C)(1) of this 15805
section. If the person for whom a criminal records check is 15806
required does not present proof of having been a resident of this 15807
state for the five-year period immediately prior to the date the 15808
criminal records check is requested or provide evidence that 15809
within that five-year period the superintendent of the bureau of 15810
criminal identification and investigation has requested 15811
information about the individual from the federal bureau of 15812
investigation in a criminal records check, the individual shall 15813
request that the superintendent obtain information from the 15814
federal bureau of investigation as part of the criminal records 15815
check of the individual. Even if an individual for whom a criminal 15816
records check request is required presents proof of having been a 15817
resident of this state for the five-year period, the department 15818
may require the provider to request that the superintendent obtain 15819
information from the federal bureau of investigation and include 15820
it in the criminal records check of the person. 15821

(E)(1) Criminal records checks required under this section 15822
for providers or applicants to be providers shall be obtained as 15823
follows: 15824

(a) The department shall provide each provider or applicant 15825
information about accessing and completing the form prescribed 15826
pursuant to division (C)(1) of section 109.572 of the Revised Code 15827
and the standard fingerprint impression sheet prescribed pursuant 15828
to division (C)(2) of that section. 15829

(b) The provider or applicant shall submit the required form 15830

and one complete set of fingerprint impressions directly to the 15831
superintendent for purposes of conducting the criminal records 15832
check using the applicable methods prescribed by division (C) of 15833
section 109.572 of the Revised Code. The applicant or provider 15834
shall pay all fees associated with obtaining the criminal records 15835
check. 15836

(c) The superintendent shall conduct the criminal records 15837
check in accordance with section 109.572 of the Revised Code. The 15838
provider or applicant shall instruct the superintendent to submit 15839
the report of the criminal records check directly to the director 15840
of job and family services. 15841

(2) Criminal records checks required under this section for 15842
persons specified by the department under division (C)(1) of this 15843
section shall be obtained as follows: 15844

(a) The provider shall give to each person subject to 15845
criminal records check requirement information about accessing and 15846
completing the form prescribed pursuant to division (C)(1) of 15847
section 109.572 of the Revised Code and the standard fingerprint 15848
impression sheet prescribed pursuant to division (C)(2) of that 15849
section. 15850

(b) The person shall submit the required form and one 15851
complete set of fingerprint impressions directly to the 15852
superintendent for purposes of conducting the criminal records 15853
check using the applicable methods prescribed by division (C) of 15854
section 109.572 of the Revised Code. The person shall pay all fees 15855
associated with obtaining the criminal records check. 15856

(c) The superintendent shall conduct the criminal records 15857
check in accordance with section 109.572 of the Revised Code. The 15858
person subject to the criminal records check shall instruct the 15859
superintendent to submit the report of the criminal records check 15860
directly to the provider. The department may require the provider 15861

to submit the report to the department. 15862

(F) If a provider or applicant to be a provider is given the 15863
information specified in division (E)(1)(a) of this section but 15864
fails to obtain a criminal records check, the department shall, as 15865
applicable, terminate the provider agreement or deny the 15866
application to be a provider. 15867

If a person is given the information specified in division 15868
(E)(2)(a) of this section but fails to obtain a criminal records 15869
check, the provider shall not, as applicable, permit the person to 15870
be an employee, owner, officer, or board member of the provider. 15871

(G) Except as provided in rules adopted under division (J) of 15872
this section, the department shall terminate the provider 15873
agreement of a provider or the department shall not issue a 15874
provider agreement to an applicant if the provider or applicant is 15875
subject to a criminal records check under this section and the 15876
provider or applicant has been convicted of, has pleaded guilty 15877
to, or has been found eligible for intervention in lieu of 15878
conviction for any of the following: 15879

(1) A violation of section 2903.01, 2903.02, 2903.03, 15880
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 15881
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 15882
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 15883
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 15884
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 15885
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 15886
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 15887
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 15888
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 15889
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 15890
3716.11 of the Revised Code, felonious sexual penetration in 15891
violation of former section 2907.12 of the Revised Code, a 15892
violation of section 2905.04 of the Revised Code as it existed 15893

prior to July 1, 1996, a violation of section 2919.23 of the 15894
Revised Code that would have been a violation of section 2905.04 15895
of the Revised Code as it existed prior to July 1, 1996, had the 15896
violation been committed prior to that date; 15897

(2) An existing or former law of this state, any other state, 15898
or the United States that is substantially equivalent to any of 15899
the offenses listed in division ~~(D)~~(G)(1) of this section. 15900

(H)(1)(a) Except as provided in rules adopted under division 15901
(J) of this section and subject to division (H)(2) of this 15902
section, no provider shall permit a person to be an employee, 15903
owner, officer, or board member of the provider if the person is 15904
subject to a criminal records check under this section and the 15905
person has been convicted of, has pleaded guilty to, or has been 15906
found eligible for intervention in lieu of conviction for any of 15907
the offenses specified in division (G)(1) or (2) of this section. 15908

(b) No provider shall employ a person who has been excluded 15909
from participating in the medicaid program, the medicare program 15910
operated pursuant to Title XVIII of the "Social Security Act," or 15911
any other federal health care program. 15912

(2)(a) A provider may employ conditionally a person for whom 15913
a criminal records check is required under this section prior to 15914
obtaining the results of a criminal records check regarding the 15915
person, but only if the person submits a request for a criminal 15916
records check not later than five business days after the 15917
individual begins conditional employment. 15918

(b) A provider that employs a person conditionally under 15919
authority of division (H)(2)(a) of this section shall terminate 15920
the person's employment if the results of the criminal records 15921
check request are not obtained within the period ending sixty days 15922
after the date the request is made. Regardless of when the results 15923
of the criminal records check are obtained, if the results 15924

indicate that the individual has been convicted of, has pleaded 15925
guilty to, or has been found eligible for intervention in lieu of 15926
conviction for any of the offenses specified in division (G)(1) or 15927
(2) of this section, the provider shall terminate the person's 15928
employment unless the provider chooses to employ the individual 15929
pursuant to division (J) of this section. 15930

(I) The report of a criminal records check conducted pursuant 15931
to this section is not a public record for the purposes of section 15932
149.43 of the Revised Code and shall not be made available to any 15933
person other than the following: 15934

(1) The person who is the subject of the criminal records 15935
check or the person's representative; 15936

(2) The director of job and family services and the staff of 15937
the department in the administration of the medicaid program; 15938

(3) A court, hearing officer, or other necessary individual 15939
involved in a case dealing with the denial or termination of a 15940
provider agreement; 15941

(4) A court, hearing officer, or other necessary individual 15942
involved in a case dealing with a person's denial of employment, 15943
termination of employment, or employment or unemployment benefits. 15944

(J) The department may adopt rules in accordance with Chapter 15945
119. of the Revised Code to implement this section. The rules may 15946
specify circumstances under which the department may continue a 15947
provider agreement or issue a provider agreement to an applicant 15948
when the provider or applicant has been convicted of, has pleaded 15949
guilty to, or has been found eligible for intervention in lieu of 15950
conviction for any of the offenses specified in division (G)(1) or 15951
(2) of this section. The rules may also specify circumstances 15952
under which a provider may permit a person to be an employee, 15953
owner, officer, or board member of the provider, when the person 15954
has been convicted of, has pleaded guilty to, or has been found 15955

eligible for intervention in lieu of conviction for any of the 15956
offenses specified in division (G)(1) or (2) of this section. 15957

Sec. 5111.091. ~~Every three months~~ Not later than the first 15958
day of each calendar quarter, the director of job and family 15959
services shall submit a report to the president and minority 15960
leader of the senate ~~and,~~ speaker and minority leader of the house 15961
of representatives, and the chairpersons of the committees of the 15962
senate and house of representatives that hear bills making 15963
biennial appropriations on the establishment and implementation of 15964
programs designed to control the increase of the cost of the 15965
medicaid program, increase the efficiency of the medicaid program, 15966
and promote better health outcomes. 15967

The report shall include information regarding all of the 15968
following: 15969

(A) Provider network management; 15970

(B) Electronic claims submission and payment systems; 15971

(C) Limited provider contracts and payments based on 15972
performance; 15973

(D) Efforts to enforce third party liability; 15974

(E) Implementation of the medicaid information technology 15975
system; 15976

(F) Expansion of the medicaid data warehouse and decision 15977
support system; 15978

(G) Development of infrastructure policies for electronic 15979
health records and e-prescribing. 15980

Sec. 5111.31. (A) Every provider agreement with the provider 15981
of a nursing facility or intermediate care facility for the 15982
mentally retarded shall: 15983

(1) Prohibit the provider from failing or refusing to retain 15984
as a patient any person because the person is, becomes, or may, as 15985
a patient in the facility, become a medicaid recipient. For the 15986
purposes of this division, a medicaid recipient who is a patient 15987
in a facility shall be considered a patient in the facility during 15988
any hospital stays totaling less than twenty-five days during any 15989
twelve-month period. Recipients who have been identified by the 15990
department of job and family services or its designee as requiring 15991
the level of care of an intermediate care facility for the 15992
mentally retarded shall not be subject to a maximum period of 15993
absences during which they are considered patients if prior 15994
authorization of the department for visits with relatives and 15995
friends and participation in therapeutic programs is obtained 15996
under rules adopted under section 5111.02 of the Revised Code. 15997

(2) Except as provided by division (B)(1) of this section, 15998
include any part of the facility that meets standards for 15999
certification of compliance with federal and state laws and rules 16000
for participation in the medicaid program. 16001

(3) Prohibit the provider from discriminating against any 16002
patient on the basis of race, color, sex, creed, or national 16003
origin. 16004

(4) Except as otherwise prohibited under section 5111.55 of 16005
the Revised Code, prohibit the provider from failing or refusing 16006
to accept a patient because the patient is, becomes, or may, as a 16007
patient in the facility, become a medicaid recipient if less than 16008
eighty per cent of the patients in the facility are medicaid 16009
recipients. 16010

(B)(1) Except as provided by division (B)(2) of this section, 16011
the following are not required to be included in a provider 16012
agreement unless otherwise required by federal law: 16013

(a) Beds added during the period beginning July 1, 1987, and 16014

ending July 1, 1993, to a nursing home licensed under Chapter 16015
3721. of the Revised Code; 16016

(b) Beds in an intermediate care facility for the mentally 16017
retarded that are designated for respite care under a medicaid 16018
waiver component operated pursuant to a waiver sought under 16019
section 5111.87 of the Revised Code+ 16020

~~(c) Beds that are converted to providing home and 16021
community based services under the ICF/MR conversion pilot program 16022
authorized by a waiver sought under division (B)(1) of section 16023
5111.88 of the Revised Code. 16024~~

(2) If a provider chooses to include a bed specified in 16025
division (B)(1)(a) of this section in a provider agreement, the 16026
bed may not be removed from the provider agreement unless the 16027
provider withdraws the facility in which the bed is located from 16028
the medicaid program. 16029

(C) Nothing in this section shall bar a provider that is a 16030
religious organization operating a religious or denominational 16031
nursing facility or intermediate care facility for the mentally 16032
retarded from giving preference to persons of the same religion or 16033
denomination. Nothing in this section shall bar any provider from 16034
giving preference to persons with whom the provider has contracted 16035
to provide continuing care. 16036

(D) Nothing in this section shall bar the provider of a 16037
county home organized under Chapter 5155. of the Revised Code from 16038
admitting residents exclusively from the county in which the 16039
county home is located. 16040

(E) No provider of a nursing facility or intermediate care 16041
facility for the mentally retarded for which a provider agreement 16042
is in effect shall violate the provider contract obligations 16043
imposed under this section. 16044

(F) Nothing in divisions (A) and (C) of this section shall 16045

bar a provider from retaining patients who have resided in the 16046
provider's facility for not less than one year as private pay 16047
patients and who subsequently become medicaid recipients, but 16048
refusing to accept as a patient any person who is or may, as a 16049
patient in the facility, become a medicaid recipient, if all of 16050
the following apply: 16051

(1) The provider does not refuse to retain any patient who 16052
has resided in the provider's facility for not less than one year 16053
as a private pay patient because the patient becomes a medicaid 16054
recipient, except as necessary to comply with division (F)(2) of 16055
this section; 16056

(2) The number of medicaid recipients retained under this 16057
division does not at any time exceed ten per cent of all the 16058
patients in the facility; 16059

(3) On July 1, 1980, all the patients in the facility were 16060
private pay patients. 16061

Sec. 5111.874. (A) As used in sections 5111.874 to 5111.879 16062
of the Revised Code: 16063

"Home and community-based services" has the same meaning as 16064
in section 5123.01 of the Revised Code. 16065

"ICF/MR services" means intermediate care facility for the 16066
mentally retarded services covered by the medicaid program that an 16067
intermediate care facility for the mentally retarded provides to a 16068
resident of the facility who is a medicaid recipient eligible for 16069
medicaid-covered intermediate care facility for the mentally 16070
retarded services. 16071

"Intermediate care facility for the mentally retarded" means 16072
an intermediate care facility for the mentally retarded that is 16073
certified as in compliance with applicable standards for the 16074
medicaid program by the director of health in accordance with 16075

Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 16076
U.S.C. 1396, as amended, and licensed as a residential facility 16077
under section 5123.19 of the Revised Code. 16078

"Residential facility" has the same meaning as in section 16079
5123.19 of the Revised Code. 16080

(B) For the purpose of increasing the number of slots 16081
available for home and community-based services and subject to 16082
section 5111.877 of the Revised Code, the operator of an 16083
intermediate care facility for the mentally retarded may convert 16084
all of the beds in the facility from providing ICF/MR services to 16085
providing home and community-based services if all of the 16086
following requirements are met: 16087

(1) The operator provides the directors of health, job and 16088
family services, and mental retardation and developmental 16089
disabilities at least ninety days' notice of the operator's intent 16090
to relinquish the facility's certification as an intermediate care 16091
facility for the mentally retarded and to begin providing home and 16092
community-based services. 16093

(2) The operator complies with the requirements of sections 16094
5111.65 to 5111.688 of the Revised Code regarding a voluntary 16095
termination as defined in section 5111.65 of the Revised Code if 16096
those requirements are applicable. 16097

(3) The operator notifies each of the facility's residents 16098
that the facility is to cease providing ICF/MR services and inform 16099
each resident that the resident may do either of the following: 16100

(a) Continue to receive ICF/MR services by transferring to 16101
another facility that is an intermediate care facility for the 16102
mentally retarded willing and able to accept the resident if the 16103
resident continues to qualify for ICF/MR services; 16104

(b) Begin to receive home and community-based services 16105
instead of ICF/MR services from any provider of home and 16106

community-based services that is willing and able to provide the 16107
services to the resident if the resident is eligible for the 16108
services and a slot for the services is available to the resident. 16109

(4) The operator meets the requirements for providing home 16110
and community-based services, including the following: 16111

(a) Such requirements applicable to a residential facility if 16112
the operator maintains the facility's license as a residential 16113
facility; 16114

(b) Such requirements applicable to a facility that is not 16115
licensed as a residential facility if the operator surrenders the 16116
facility's residential facility license under section 5123.19 of 16117
the Revised Code. 16118

(5) The director of mental retardation and developmental 16119
disabilities approves the conversion. 16120

(C) The notice to the director of mental retardation and 16121
developmental disabilities under division (B)(1) of this section 16122
shall specify whether the operator wishes to surrender the 16123
facility's license as a residential facility under section 5123.19 16124
of the Revised Code. 16125

(D) If the director of mental retardation and developmental 16126
disabilities approves a conversion under division (B) of this 16127
section, the director of health shall terminate the certification 16128
of the intermediate care facility for the mentally retarded to be 16129
converted. The director of health shall notify the director of job 16130
and family services of the termination. On receipt of the director 16131
of health's notice, the director of job and family services shall 16132
terminate the operator's medicaid provider agreement that 16133
authorizes the operator to provide ICF/MR services at the 16134
facility. The operator is not entitled to notice or a hearing 16135
under Chapter 119. of the Revised Code before the director of job 16136
and family services terminates the medicaid provider agreement. 16137

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Sec. 5111.875. (A) For the purpose of increasing the number of slots available for home and community-based services and subject to section 5111.877 of the Revised Code, a person who acquires, through a request for proposals issued by the director of mental retardation and developmental disabilities, a residential facility that is an intermediate care facility for the mentally retarded and for which the license as a residential facility was previously surrendered or revoked may convert some or all of the facility's beds from providing ICF/MR services to providing home and community-based services if all of the following requirements are met:

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(1) The person provides the directors of health, job and family services, and mental retardation and developmental disabilities at least ninety days' notice of the person's intent to make the conversion.

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(2) The person complies with the requirements of sections 5111.65 to 5111.688 of the Revised Code regarding a voluntary termination as defined in section 5111.65 of the Revised Code if those requirements are applicable.

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(3) If the person intends to convert all of the facility's beds, the person notifies each of the facility's residents that the facility is to cease providing ICF/MR services and informs each resident that the resident may do either of the following:

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(a) Continue to receive ICF/MR services by transferring to another facility that is an intermediate care facility for the mentally retarded willing and able to accept the resident if the resident continues to qualify for ICF/MR services;

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(b) Begin to receive home and community-based services instead of ICF/MR services from any provider of home and

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community-based services that is willing and able to provide the 16168
services to the resident if the resident is eligible for the 16169
services and a slot for the services is available to the resident. 16170

(4) If the person intends to convert some but not all of the 16171
facility's beds, the person notifies each of the facility's 16172
residents that the facility is to convert some of its beds from 16173
providing ICF/MR services to providing home and community-based 16174
services and inform each resident that the resident may do either 16175
of the following: 16176

(a) Continue to receive ICF/MR services from any provider of 16177
ICF/MR services that is willing and able to provide the services 16178
to the resident if the resident continues to qualify for ICF/MR 16179
services; 16180

(b) Begin to receive home and community-based services 16181
instead of ICF/MR services from any provider of home and 16182
community-based services that is willing and able to provide the 16183
services to the resident if the resident is eligible for the 16184
services and a slot for the services is available to the resident. 16185

(5) The person meets the requirements for providing home and 16186
community-based services at a residential facility. 16187

(B) The notice provided to the directors under division 16188
(A)(1) of this section shall specify whether some or all of the 16189
facility's beds are to be converted. If some but not all of the 16190
beds are to be converted, the notice shall specify how many of the 16191
facility's beds are to be converted and how many of the beds are 16192
to continue to provide ICF/MR services. 16193

(C) On receipt of a notice under division (A)(1) of this 16194
section, the director of health shall do the following: 16195

(1) Terminate the certification of the intermediate care 16196
facility for the mentally retarded if the notice specifies that 16197
all of the facility's beds are to be converted; 16198

(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. 16199
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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: 16202
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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; 16207
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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. 16210
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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. 16213
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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 residential facility was an intermediate care facility for the mentally retarded at the time of the license revocation or surrender. The revocation or surrender may have occurred before, or may occur on or after, the effective date of this section. The 16217
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request may include beds the director removed from such a 16230
residential facility's licensed capacity before transferring 16231
ownership or operation of the residential facility pursuant to a 16232
request for proposals. 16233

Sec. 5111.877. The director of job and family services may 16234
seek approval from the United States secretary of health and human 16235
services for not more than a total of one hundred slots for home 16236
and community-based services for the purposes of sections 16237
5111.874, 5111.875, and 5111.876 of the Revised Code. 16238

Sec. 5111.878. No person or government entity may reconvert a 16239
bed to be used for ICF/MR services if the bed was converted to use 16240
for home and community-based services under section 5111.874 or 16241
5111.875 of the Revised Code. This prohibition applies regardless 16242
of either of the following: 16243

(A) The bed is part of the licensed capacity of a residential 16244
facility. 16245

(B) The bed has been sold, leased, or otherwise transferred 16246
to another person or government entity. 16247

Sec. 5111.879. The directors of job and family services and 16248
mental retardation and developmental disabilities may adopt rules 16249
in accordance with Chapter 119. of the Revised Code as necessary 16250
to implement sections 5111.874 to 5111.879 of the Revised Code. 16251

Sec. 5111.941. (A) The medicaid revenue and collections fund 16252
is hereby created in the state treasury. Except as otherwise 16253
provided by statute or as authorized by the controlling board, ~~the~~ 16254
~~non-federal~~ both of the following shall be credited to the fund: 16255

(1) The nonfederal share of all medicaid-related revenues, 16256
collections, and recoveries ~~shall be credited to the fund;~~ 16257

(2) The monthly premiums charged under the children's buy-in program pursuant to section 5101.5213 of the Revised Code. The 16258
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(B) The department of job and family services shall use money credited to the medicaid revenue and collections fund to pay for medicaid services and contracts and the children's buy-in program established under sections 5101.5211 to 5101.5216 of the Revised Code. 16260
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Sec. 5112.31. The department of job and family services shall do all of the following: 16265
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~~(A) For the purpose of providing home and community based services for mentally retarded and developmentally disabled persons~~ purposes specified in sections 5112.37 and 5112.371 of the Revised Code, annually assess each intermediate care facility for the mentally retarded a franchise permit fee equal to ~~nine~~ twelve dollars and ~~sixty three~~ thirty-eight cents multiplied, ~~except as adjusted under section 5112.311 of the Revised Code~~, by the product of the following: 16267
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(1) The number of beds certified under Title XIX of the "Social Security Act" on the first day of May of the calendar year in which the assessment is determined pursuant to division (A) of section 5112.33 of the Revised Code; 16275
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(2) The number of days in the fiscal year beginning on the first day of July of the same calendar year. 16279
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(B) Beginning July 1, ~~2007~~ 2009, and the first day of each July thereafter, adjust fees determined under division (A) of this section in accordance with the composite inflation factor established in rules adopted under section 5112.39 of the Revised Code. 16281
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(C) If the United States secretary of health and human services determines that the franchise permit fee established by 16286
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sections 5112.30 to 5112.39 of the Revised Code would be an 16288
impermissible health care-related tax under section 1903(w) of the 16289
"Social Security Act," 42 U.S.C.A. 1396b(w), as amended, take all 16290
necessary actions to cease implementation of those sections in 16291
accordance with rules adopted under section 5112.39 of the Revised 16292
Code. 16293

Sec. 5112.37. ~~All~~ There is hereby created in the state 16294
treasury the home and community-based services for the mentally 16295
retarded and developmentally disabled fund. Ninety-seven and nine 16296
tenths per cent of all installment payments and penalties paid by 16297
an intermediate care facility for the mentally retarded under 16298
sections 5112.33 and 5112.34 of the Revised Code shall be 16299
deposited into the ~~"home and community based services for the~~ 16300
~~mentally retarded and developmentally disabled fund,"~~ ~~which is~~ 16301
~~hereby created in the state treasury.~~ The department of job and 16302
family services shall distribute the money in the fund in 16303
accordance with rules adopted under section 5112.39 of the Revised 16304
Code. The departments of job and family services and mental 16305
retardation and developmental disabilities shall use the money for 16306
the ~~medical assistance~~ medicaid program established under Chapter 16307
5111. of the Revised Code and home and community-based services to 16308
mentally retarded and developmentally disabled persons. 16309

Sec. 5112.371. There is hereby created in the state treasury 16310
the autism preschool program fund. All installment payments and 16311
penalties paid by an intermediate care facility for the mentally 16312
retarded under sections 5112.33 and 5112.34 of the Revised Code 16313
that are not deposited into the home and community-based services 16314
for the mentally retarded and developmentally disabled fund shall 16315
be deposited into the autism preschool program fund. The money in 16316
the fund shall be used for the autism preschool program 16317
established under section 3323.36 of the Revised Code. 16318

Sec. 5123.0412. (A) The department of mental retardation and 16319
developmental disabilities shall charge each county board of 16320
mental retardation and developmental disabilities an annual fee 16321
equal to one and one-half per cent of the total value of all 16322
medicaid paid claims for ~~medicaid case management services and~~ 16323
home and community-based services provided during the year to an 16324
individual eligible for services from the county board. No county 16325
board shall pass the cost of a fee charged to the county board 16326
under this section on to another provider of these services. 16327

(B) The fees collected under this section shall be deposited 16328
into the ODMR/DD administration and oversight fund and the ODJFS 16329
administration and oversight fund, both of which are hereby 16330
created in the state treasury. The portion of the fees to be 16331
deposited into the ODMR/DD administration and oversight fund and 16332
the portion of the fees to be deposited into the ODJFS 16333
administration and oversight fund shall be the portion specified 16334
in an interagency agreement entered into under division (C) of 16335
this section. The department of mental retardation and 16336
developmental disabilities shall use the money in the ODMR/DD 16337
administration and oversight fund and the department of job and 16338
family services shall use the money in the ODJFS administration 16339
and oversight fund for both of the following purposes: 16340

(1) The administrative and oversight costs of medicaid case 16341
management services and home and community-based services. The 16342
administrative and oversight costs shall include costs for staff, 16343
systems, and other resources the departments need and dedicate 16344
solely to the following duties associated with the services: 16345

(a) Eligibility determinations; 16346

(b) Training; 16347

(c) Fiscal management; 16348

(d) Claims processing;	16349
(e) Quality assurance oversight;	16350
(f) Other duties the departments identify.	16351
(2) Providing technical support to county boards' local administrative authority under section 5126.055 of the Revised Code for the services.	16352 16353 16354
(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:	16355 16356 16357
(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;	16358 16359 16360 16361
(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.	16362 16363 16364
(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.	16365 16366 16367 16368 16369
Sec. 5123.196. (A) Except as provided in division (F) (E) of this section, the director of mental retardation and developmental disabilities shall not issue a license under section 5123.19 of the Revised Code on or after July 1, 2003, if issuance will result in there being more beds in all residential facilities licensed under that section than is permitted under division (B) of this section.	16370 16371 16372 16373 16374 16375 16376
(B) Except as provided in division (D) of this section, the <u>The</u> maximum number of beds for the purpose of division (A) of this	16377 16378

section shall not exceed ten thousand eight hundred thirty-eight 16379
minus, except as provided in division (C) of this section, both of 16380
the following: 16381

(1) The number of such beds that cease to be residential 16382
facility beds on or after July 1, 2003, because a residential 16383
facility license is revoked, terminated, or not renewed for any 16384
reason or is surrendered in accordance with section 5123.19 of the 16385
Revised Code ~~and after the issuance of an adjudication order~~ 16386
~~pursuant to Chapter 119. of the Revised Code;~~ 16387

(2) The number of such beds for which a licensee voluntarily 16388
converts to use for supported living on or after July 1, 2003. 16389

(C) The director is not required to reduce the maximum number 16390
of beds pursuant to division (B) of this section by a bed that 16391
ceases to be a residential facility bed if the director determines 16392
that the bed is needed to provide services to an individual with 16393
mental retardation or a developmental disability who resided in 16394
the residential facility in which the bed was located ~~unless the~~ 16395
~~reason the bed ceases to be a residential facility bed is because~~ 16396
~~it is converted to providing home and community based services~~ 16397
~~under the ICF/MR conversion pilot program that is authorized by a~~ 16398
~~waiver sought under division (B)(1) of section 5111.88 of the~~ 16399
Revised Code. 16400

~~(D) The director shall increase the number of beds determined~~ 16401
~~under division (B) of this section if necessary to enable the~~ 16402
~~operator of a residential facility to do either of the following:~~ 16403

~~(1) Obtain a residential facility license as required by~~ 16404
~~section 5111.8814 of the Revised Code;~~ 16405

~~(2) Reconvert beds to providing ICF/MR services under section~~ 16406
~~5111.8811 of the Revised Code.~~ 16407

~~(E)~~ The director shall maintain an up-to-date written record 16408
of the maximum number of residential facility beds provided for by 16409

division (B) of this section. 16410

~~(F)~~(E) The director may issue an interim license under 16411
division (S) of section 5123.19 of the Revised Code and issue, 16412
pursuant to rules adopted under division (H)(11) of that section, 16413
a waiver allowing a residential facility to admit more residents 16414
than the facility is licensed to admit regardless of whether the 16415
interim license or waiver will result in there being more beds in 16416
all residential facilities licensed under that section than is 16417
permitted under division (B) of this section. 16418

Sec. 5123.36. (A) To the extent funds are available and on 16419
application by a county board of mental retardation and 16420
developmental disabilities or private nonprofit agency 16421
incorporated to provide mental retardation or developmental 16422
disability services, the director of mental retardation and 16423
developmental disabilities may enter into an agreement with the 16424
county board or agency to assist the county board or agency with a 16425
mental retardation or developmental disability construction 16426
project. Except as provided by division (B) of this section, the 16427
director may provide up to ninety per cent of the total project 16428
cost where circumstances warrant. The director may, where 16429
circumstances warrant, use existing facilities or other in-kind 16430
match for the local share of the communities' share of the cost. 16431

(B) Upon the recommendation of the director, for projects of 16432
the highest priority of the department of mental retardation and 16433
developmental disabilities, the controlling board may authorize 16434
the director to provide more than ninety per cent of the total 16435
cost of a project under this section. 16436

(C) A county board is eligible for funds under this section 16437
for a project bid on or after January 1, 1992, under either 16438
section 153.07 or 307.86 of the Revised Code, as long as all other 16439
applicable requirements were followed. 16440

(D) A private nonprofit agency that receives funds pursuant to this section for the construction of a single-family home, including, where appropriate, the acquisition and installation of a single-family home fabricated in an off-site facility, is not subject to the requirements of Chapter 153. of the Revised Code with respect to the construction project, notwithstanding any provision of that chapter to the contrary. 16441
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(E) The director may not assist a project under this section unless the controlling board or director of budget and management also approves the project pursuant to section 126.14 of the Revised Code. 16448
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Sec. 5501.09. (A) There is hereby created within the division of multi-modal planning and programs the office of maritime transportation. The director of transportation shall assign to the office such duties, powers, and functions relating to state maritime transportation issues and activities as the director determines. 16452
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(B) In addition to those duties, powers, and functions the director assigns to it, the office of maritime transportation shall exercise and perform such other duties, powers, and functions as are assigned to it by law. 16458
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Sec. 5502.68. (A) There is hereby created in the state treasury the drug law enforcement fund. Three dollars out of each ten-dollar court cost imposed pursuant to section 2949.094 of the Revised Code shall be credited to the fund. Money in the fund shall be in an interest-bearing account, and all interest earned shall be credited to the fund. Money in the fund shall be used only in accordance with this section to award grants to counties, municipal corporations, townships, township police districts, and joint township police districts to defray the expenses that a drug 16462
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task force organized in the county, or in the county in which the 16471
municipal corporation, township, or district is located, incurs in 16472
performing its functions related to the enforcement of the state's 16473
drug laws and other state laws related to illegal drug activity. 16474

The division of criminal justice services shall administer 16475
all money deposited into the drug law enforcement fund and, by 16476
rule adopted under Chapter 119. of the Revised Code, shall 16477
establish procedures for a county, municipal corporation, 16478
township, township police district, or joint township police 16479
district to apply for money from the fund to defray the expenses 16480
that a drug task force organized in the county, or in the county 16481
in which the municipal corporation, township, or district is 16482
located, incurs in performing its functions related to the 16483
enforcement of the state's drug laws and other state laws related 16484
to illegal drug activity, procedures and criteria for determining 16485
eligibility of applicants to be provided money from the fund, and 16486
procedures and criteria for determining the amount of money to be 16487
provided out of the fund to eligible applicants. 16488

The procedures and criteria for determining eligibility of 16489
applicants to be provided money from the fund and for determining 16490
the amount of money to be provided out of the fund to eligible 16491
applicants shall include, but not be limited to, all of the 16492
following: 16493

(1) Provisions requiring that, in order to be eligible to be 16494
provided money from the fund, a drug task force that applies for 16495
money from the fund must provide evidence that the drug task force 16496
will receive a local funding match of at least twenty-five per 16497
cent of the task force's projected operating costs in the period 16498
of time covered by the grant; 16499

(2) Provisions requiring that money from the fund be 16500
allocated and provided to drug task forces that apply for money 16501

from the fund in accordance with the following priorities: 16502

(a) Drug task forces that apply, that are in existence on the 16503
date of the application, and that are determined to be eligible 16504
applicants shall be given first priority to be provided money from 16505
the fund, in an amount that does not exceed their current nonlocal 16506
funding level. 16507

(b) If any moneys remain in the fund after all drug task 16508
forces that apply, that are in existence on the date of the 16509
application, and that are determined to be eligible applicants are 16510
provided money from the fund to the extent described in division 16511
(A)(2)(a) of this section, the following categories of drug task 16512
forces that apply and that are determined to be eligible 16513
applicants shall be given priority to be provided money from the 16514
fund in the order in which they apply for money from the fund: 16515

(i) Drug task forces that are not in existence on the date of 16516
the application; 16517

(ii) Drug task forces that are in existence on the date of 16518
the application, regarding any amount requested in their 16519
application that is in excess of their current nonlocal funding 16520
level. 16521

(B) As used in this section: 16522

(1) "Current nonlocal funding level" for a drug task force 16523
means the level of funding that exists on the effective date of 16524
this section for operating costs of the drug task force, minus the 16525
local funding match that the drug task force will receive as 16526
determined from evidence it provides as described in division 16527
(A)(1) of this section. 16528

(2) "Drug task force" means a drug task force organized in 16529
any county by the sheriff of the county, the prosecuting attorney 16530
of the county, the chief of police of the organized police 16531
department of any municipal corporation or township in the county, 16532

and the chief of police of the police force of any township police 16533
district or joint township police district in the county to 16534
perform functions related to the enforcement of state drug laws 16535
and other state laws related to illegal drug activity. 16536

Sec. 5525.01. Before entering into a contract the director of 16537
transportation shall advertise for bids for two consecutive weeks 16538
in one newspaper of general circulation published in the county in 16539
which the improvement or part thereof is located, but if there is 16540
no such newspaper then in one newspaper having general circulation 16541
in an adjacent county. The director may advertise for bids in such 16542
other publications as the director considers advisable. Such 16543
notices shall state that plans and specifications for the 16544
improvement are on file in the office of the director and the 16545
district deputy director of the district in which the improvement 16546
or part thereof is located and the time within which bids therefor 16547
will be received. 16548

Each bidder shall be required to file with the bidder's bid a 16549
bid guaranty in the form of a certified check ~~or~~, a cashier's 16550
check, or an electronic funds transfer to the treasurer of state 16551
that is evidenced by a receipt or by a certification to the 16552
director of transportation in a form prescribed by the director 16553
that an electronic funds transfer has been made to the treasurer 16554
of state, for an amount equal to five per cent of the bidder's 16555
bid, but in no event more than fifty thousand dollars, or a bid 16556
bond for ten per cent of the bidder's bid, payable to the 16557
director, which check, transferred sum, or bond shall be forthwith 16558
returned to the bidder in case the contract is awarded to another 16559
bidder, or, in case of a successful bidder, when the bidder has 16560
entered into a contract and furnished the bonds required by 16561
section 5525.16 of the Revised Code. In the event the contract is 16562
awarded to a bidder, and the bidder fails or refuses to furnish 16563
the bonds as required by section 5525.16 of the Revised Code, the 16564

check, transferred sum, or bid bond filed with the bidder's bid 16565
shall be forfeited as liquidated damages. No bidder shall be 16566
required either to file a signed contract with the bidder's bid, 16567
to enter into a contract, or to furnish the contract performance 16568
bond and the payment bond required by that section until the bids 16569
have been opened and the bidder has been notified by the director 16570
that the bidder is awarded the contract. 16571

The director shall permit a bidder to withdraw the bidder's 16572
bid from consideration, without forfeiture of the ~~certified~~ check, 16573
transferred sum, or bid bond filed with the bid, providing a 16574
written request together with a sworn statement of the grounds for 16575
such withdrawal is delivered within forty-eight hours after the 16576
time established for the receipt of bids, and if the price bid was 16577
substantially lower than the other bids, providing the bid was 16578
submitted in good faith, and the reason for the price bid being 16579
substantially lower was a clerical mistake evident on the face of 16580
the bid, as opposed to a judgment mistake, and was actually due to 16581
an unintentional and substantial arithmetic error or an 16582
unintentional omission of a substantial quantity of work, labor, 16583
or material made directly in the compilation of the bid. In the 16584
event the director decides the conditions for withdrawal have not 16585
been met, the director may award the contract to such bidder. If 16586
such bidder does not then enter into a contract and furnish the 16587
contract bond as required by law, the director may declare 16588
forfeited the ~~certified~~ check, transferred sum, or bid bond as 16589
liquidated damages and award the contract to the next higher 16590
bidder or reject the remaining bids and readvertise the project 16591
for bids. Such bidder may, within thirty days, appeal the decision 16592
of the director to the court of common pleas of Franklin county 16593
and the court may affirm or reverse the decision of the director 16594
and may order the director to refund the amount of the forfeiture. 16595
At the hearing before the common pleas court evidence may be 16596
introduced for and against the decision of the director. The 16597

decision of the common pleas court may be appealed as in other cases. 16598
16599

There is hereby created the ODOT letting fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. All certified checks and cashiers' checks received with bidders' bids, and all sums transferred to the treasurer of state by electronic funds transfer in connection with bidders' bids, under this section shall be credited to the fund. All such bid guaranties shall be held in the fund until a determination is made as to the final disposition of the money. If the department determines that any such bid guaranty is no longer required to be held, the amount of the bid guaranty shall be returned to the appropriate bidder. If the department determines that a bid guaranty under this section shall be forfeited, the amount of the bid guaranty shall be transferred or, in the case of money paid on a forfeited bond, deposited into the state treasury, to the credit of the highway operating fund. Any investment earnings of the ODOT letting fund shall be distributed as the treasurer of state considers appropriate. 16600
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The director shall require all bidders to furnish the director, upon such forms as the director may prescribe, detailed information with respect to all pending work of the bidder, whether with the department of transportation or otherwise, together with such other information as the director considers necessary. 16617
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In the event a bidder fails to submit anything required to be submitted with the bid and then fails or refuses to so submit such at the request of the director, the failure or refusal constitutes grounds for the director, in the director's discretion, to declare as forfeited the bid guaranty submitted with the bid. 16623
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The director may reject any or all bids. Except in regard to contracts for environmental remediation and specialty work for 16628
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which there are no classes of work set out in the rules adopted by 16630
the director, if the director awards the contract, the director 16631
shall award it to the lowest competent and responsible bidder as 16632
defined by rules adopted by the director under section 5525.05 of 16633
the Revised Code, who is qualified to bid under sections 5525.02 16634
to 5525.09 of the Revised Code. In regard to contracts for 16635
environmental remediation and specialty work for which there are 16636
no classes of work set out in the rules adopted by the director, 16637
the director shall competitively bid the projects in accordance 16638
with this chapter and shall award the contracts to the lowest and 16639
best bidder. 16640

The award for all projects competitively let by the director 16641
under this section shall be made within ten days after the date on 16642
which the bids are opened, and the successful bidder shall enter 16643
into a contract and furnish a contract performance bond and a 16644
payment bond, as provided for in section 5525.16 of the Revised 16645
Code, within ten days after the bidder is notified that the bidder 16646
has been awarded the contract. 16647

The director may insert in any contract awarded under this 16648
chapter a clause providing for value engineering change proposals, 16649
under which a contractor who has been awarded a contract may 16650
propose a change in the plans and specifications of the project 16651
that saves the department time or money on the project without 16652
impairing any of the essential functions and characteristics of 16653
the project such as service life, reliability, economy of 16654
operation, ease of maintenance, safety, and necessary standardized 16655
features. If the director adopts the value engineering proposal, 16656
the savings from the proposal shall be divided between the 16657
department and the contractor according to guidelines established 16658
by the director, provided that the contractor shall receive at 16659
least fifty per cent of the savings from the proposal. The 16660
adoption of a value engineering proposal does not invalidate the 16661

award of the contract or require the director to rebid the 16662
project. 16663

Sec. 5703.19. (A) To carry out the purposes of the laws that 16664
the tax commissioner is required to administer, the commissioner 16665
or any person employed by the commissioner for that purpose, upon 16666
demand, may inspect books, accounts, records, and memoranda of any 16667
person or public utility subject to those laws, and may examine 16668
under oath any officer, agent, or employee of that person or 16669
public utility. Any person other than the commissioner who makes a 16670
demand pursuant to this section shall produce the person's 16671
authority to make the inspection. 16672

(B) If a person or public utility receives at least ten days' 16673
written notice of a demand made under division (A) of this section 16674
and refuses to comply with that demand, a penalty of five hundred 16675
dollars shall be imposed upon the person or public utility for 16676
each day the person or public utility refuses to comply with the 16677
demand. Penalties imposed under this division may be assessed and 16678
collected in the same manner as assessments made under Chapter 16679
3769., 4305., 5727., 5728., 5733., 5735., 5739., 5743., 5745., 16680
5747., 5749., or ~~5753.~~ 5751., or sections 3734.90 to 3734.9014, of 16681
the Revised Code. 16682

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 16683
of this section, no agent of the department of taxation, except in 16684
the agent's report to the department or when called on to testify 16685
in any court or proceeding, shall divulge any information acquired 16686
by the agent as to the transactions, property, or business of any 16687
person while acting or claiming to act under orders of the 16688
department. Whoever violates this provision shall thereafter be 16689
disqualified from acting as an officer or employee or in any other 16690
capacity under appointment or employment of the department. 16691
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(B)(1) For purposes of an audit pursuant to section 117.15 of 16693
the Revised Code, or an audit of the department pursuant to 16694
Chapter 117. of the Revised Code, or an audit, pursuant to that 16695
chapter, the objective of which is to express an opinion on a 16696
financial report or statement prepared or issued pursuant to 16697
division (A)(7) or (9) of section 126.21 of the Revised Code, the 16698
officers and employees of the auditor of state charged with 16699
conducting the audit shall have access to and the right to examine 16700
any state tax returns and state tax return information in the 16701
possession of the department to the extent that the access and 16702
examination are necessary for purposes of the audit. Any 16703
information acquired as the result of that access and examination 16704
shall not be divulged for any purpose other than as required for 16705
the audit or unless the officers and employees are required to 16706
testify in a court or proceeding under compulsion of legal 16707
process. Whoever violates this provision shall thereafter be 16708
disqualified from acting as an officer or employee or in any other 16709
capacity under appointment or employment of the auditor of state. 16710

(2) For purposes of an internal audit pursuant to section 16711
126.45 of the Revised Code, the officers and employees of the 16712
office of internal auditing in the office of budget and management 16713
charged with conducting the internal audit shall have access to 16714
and the right to examine any state tax returns and state tax 16715
return information in the possession of the department to the 16716
extent that the access and examination are necessary for purposes 16717
of the internal audit. Any information acquired as the result of 16718
that access and examination shall not be divulged for any purpose 16719
other than as required for the internal audit or unless the 16720
officers and employees are required to testify in a court or 16721
proceeding under compulsion of legal process. Whoever violates 16722
this provision shall thereafter be disqualified from acting as an 16723
officer or employee or in any other capacity under appointment or 16724
employment of the office of internal auditing. 16725

(3) As provided by section 6103(d)(2) of the Internal Revenue Code, any federal tax returns or federal tax information that the department has acquired from the internal revenue service, through federal and state statutory authority, may be disclosed to the auditor of state or the office of internal auditing solely for purposes of an audit of the department.

(C) Division (A) of this section does not prohibit any of the following:

(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;

(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;

(3) Disclosing to the board of motor vehicle collision repair registration any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;

(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;

(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;

(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;

(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;

(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;

(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;

(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;

(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;

(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 (9) of section 5749.02 of the Revised Code.

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.

(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.

(C) The committee shall consist of:

(1) The following members, appointed by the governor with the advice and consent of the senate:

(a) Not more than two representatives of the business community;

(b) Not more than three representatives of municipal tax administrators; and

(c) Not more than two tax practitioners.

(2) The following ex officio members:

(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;

(b) The secretary of state or the secretary of state's designee;

(c) The treasurer of state or the treasurer of state's designee;

(d) The director of budget and management or the director's designee;

(e) ~~The director of the office of information technology~~

state chief information officer or the ~~director's~~ officer's 16816
designee; ~~and~~ 16817

(f) The tax commissioner or the tax commissioner's designee; 16818
and 16819

(g) The director of development or the director's designee. 16820

An appointed member shall serve until the member resigns or 16821
is removed by the governor. Vacancies shall be filled in the same 16822
manner as original appointments. 16823

(D) A vacancy on the committee does not impair the right of 16824
the other members to exercise all the functions of the committee. 16825
The presence of a majority of the members of the committee 16826
constitutes a quorum for the conduct of business of the committee. 16827
The concurrence of at least a majority of the members of the 16828
committee is necessary for any action to be taken by the 16829
committee. On request, each member of the committee shall be 16830
reimbursed for the actual and necessary expenses incurred in the 16831
discharge of the member's duties. 16832

(E) The committee is a part of the department of taxation for 16833
administrative purposes. 16834

(F) Each year, the governor shall select a member of the 16835
committee to serve as chairperson. The chairperson shall appoint 16836
an official or employee of the department of taxation to act as 16837
the committee's secretary. The secretary shall keep minutes of the 16838
committee's meetings and a journal of all meetings, proceedings, 16839
findings, and determinations of the committee. 16840

(G) The committee shall hire professional, technical, and 16841
clerical staff needed to support its activities. 16842

(H) The committee shall meet as often as necessary to perform 16843
its duties. 16844

Sec. 5703.82. (A) Not later than April 1, 2009, the 16845

department of taxation shall acquire the necessary hardware, 16846
software, and services to establish and implement a tax discovery 16847
data system to increase the efficiency of tax collections in the 16848
state. The system must be fully integrated and pre-staged for the 16849
purposes of assisting in revenue analysis, discovering 16850
noncompliant taxpayers, and collecting taxes from those taxpayers. 16851
The system shall consolidate tax data from various mainframe 16852
systems and operate as a single tax discovery data system. The 16853
department shall contract, pursuant to a competitive bidding 16854
process, for the necessary hardware, software, and services to 16855
implement the tax discovery data system. 16856

(B) There is hereby created in the state treasury the 16857
discovery project fund. All money to the credit of the fund shall 16858
be used to pay the costs of implementing and operating the tax 16859
discovery data system and to defray the costs incurred by the 16860
department of taxation in administering the system. 16861

(C) Beginning July 1, 2009, on or before the first day of 16862
January, April, July, and October of each calendar year, the tax 16863
commissioner shall determine and certify to the director of budget 16864
and management the amount needed to pay the costs of operating the 16865
tax discovery data system in the previous calendar quarter and the 16866
costs incurred in the previous calendar quarter by the department 16867
of taxation in administering the system. The director shall 16868
provide for payment from the general revenue fund to the discovery 16869
project fund of the amount so certified. 16870

Sec. 5705.194. The board of education of any city, local, 16871
exempted village, cooperative education, or joint vocational 16872
school district at any time may declare by resolution that the 16873
revenue that will be raised by all tax levies which the district 16874
is authorized to impose, when combined with state and federal 16875
revenues, will be insufficient to provide for the emergency 16876

requirements of the school district or to avoid an operating 16877
deficit, and that it is therefore necessary to levy an additional 16878
tax in excess of the ten-mill limitation. The resolution shall be 16879
confined to a single purpose and shall specify that purpose. If 16880
the levy is proposed to renew all or a portion of the proceeds 16881
derived from one or more existing levies imposed pursuant to this 16882
section, it shall be called a renewal levy and shall be so 16883
designated on the ballot. If two or more existing levies are to be 16884
included in a single renewal levy but are not scheduled to expire 16885
in the same year, the resolution shall specify that the existing 16886
levies to be renewed shall not be levied after the year preceding 16887
the year in which the renewal levy is first imposed. 16888
Notwithstanding the original purpose of any one or more existing 16889
levies that are to be in any single renewal levy, the purpose of 16890
the renewal levy may be either to avoid an operating deficit or to 16891
provide for the emergency requirements of the school district. The 16892
resolution shall further specify the amount of money it is 16893
necessary to raise for the specified purpose for each calendar 16894
year the millage is to be imposed; if a renewal levy, whether the 16895
levy is to renew all, or a portion of, the proceeds derived from 16896
one or more existing levies; and the number of years in which the 16897
millage is to be in effect, which may include a levy upon the 16898
current year's tax list. The number of years may be any number not 16899
exceeding five ten. 16900

The question shall be submitted at a special election on a 16901
date specified in the resolution. The date shall not be earlier 16902
than eighty days after the adoption and certification of the 16903
resolution to the county auditor and shall be consistent with the 16904
requirements of section 3501.01 of the Revised Code. A resolution 16905
for a renewal levy shall not be placed on the ballot unless the 16906
question is submitted on a date on which a special election may be 16907
held under division (D) of section 3501.01 of the Revised Code, 16908
except for the first Tuesday after the first Monday in February 16909

and August, during the last year the levy to be renewed may be 16910
extended on the real and public utility property tax list and 16911
duplicate, or at any election held in the ensuing year, except 16912
that if the resolution proposes renewing two or more existing 16913
levies, the question shall be submitted on the date of the general 16914
or primary election held during the last year at least one of the 16915
levies to be renewed may be extended on that list and duplicate, 16916
or at any election held during the ensuing year. For purposes of 16917
this section, a levy shall be considered to be an "existing levy" 16918
through the year following the last year it can be placed on the 16919
real and public utility property tax list and duplicate. 16920

The submission of questions to the electors under this 16921
section is subject to the limitation on the number of election 16922
dates established by section 5705.214 of the Revised Code. 16923

The resolution shall go into immediate effect upon its 16924
passage, and no publication of the resolution shall be necessary 16925
other than that provided for in the notice of election. A copy of 16926
the resolution shall immediately after its passing be certified to 16927
the county auditor of the proper county. Section 5705.195 of the 16928
Revised Code shall govern the arrangements for the submission of 16929
questions to the electors under this section and other matters 16930
concerning the election. Publication of notice of the election 16931
shall be made in one or more newspapers of general circulation in 16932
the county once a week for two consecutive weeks prior to the 16933
election, and, if the board of elections operates and maintains a 16934
web site, the board of elections shall post notice of the election 16935
on its web site for thirty days prior to the election. If a 16936
majority of the electors voting on the question submitted in an 16937
election vote in favor of the levy, the board of education of the 16938
school district may make the additional levy necessary to raise 16939
the amount specified in the resolution for the purpose stated in 16940
the resolution. The tax levy shall be included in the next tax 16941

budget that is certified to the county budget commission. 16942

After the approval of the levy and prior to the time when the 16943
first tax collection from the levy can be made, the board of 16944
education may anticipate a fraction of the proceeds of the levy 16945
and issue anticipation notes in an amount not exceeding the total 16946
estimated proceeds of the levy to be collected during the first 16947
year of the levy. 16948

The notes shall be issued as provided in section 133.24 of 16949
the Revised Code, shall have principal payments during each year 16950
after the year of their issuance over a period not to exceed five 16951
years, and may have principal payment in the year of their 16952
issuance. 16953

Sec. 5705.199. (A) At any time the board of education of a 16954
city, local, exempted village, cooperative education, or joint 16955
vocational school district, by a vote of two-thirds of all its 16956
members, may declare by resolution that the revenue that will be 16957
raised by all tax levies that the district is authorized to 16958
impose, when combined with state and federal revenues, will be 16959
insufficient to provide for the necessary requirements of the 16960
school district, and that it is therefore necessary to levy a tax 16961
in excess of the ten-mill limitation for the purpose of providing 16962
for the necessary requirements of the school district. Such a levy 16963
shall be proposed as a substitute for all or a portion of one or 16964
more existing levies imposed under sections 5705.194 to 5705.197 16965
of the Revised Code or under this section, by levying a tax as 16966
follows: 16967

(1) In the initial year the levy is in effect, the levy shall 16968
be in a specified amount of money equal to the aggregate annual 16969
dollar amount of proceeds derived from the levy or levies, or 16970
portion thereof, being substituted. 16971

(2) In each subsequent year the levy is in effect, the levy 16972

shall be in a specified amount of money equal to the sum of the 16973
following: 16974

(a) The dollar amount of the proceeds derived from the levy 16975
in the prior year; and 16976

(b) The dollar amount equal to the product of the total 16977
taxable value of all taxable property in the school district in 16978
the then-current year, excluding carryover property as defined in 16979
section 319.301 of the Revised Code, multiplied by the annual 16980
levy, expressed in mills for each one dollar of valuation, that 16981
was required to produce the annual dollar amount of the levy under 16982
this section in the prior year; provided, that the amount under 16983
division (A)(2)(b) of this section shall not be less than zero. 16984

(B) The resolution proposing the substitute levy shall 16985
specify the annual dollar amount the levy is to produce in its 16986
initial year; the first calendar year in which the levy will be 16987
due; and the term of the levy expressed in years, which may be any 16988
number not exceeding ten, or for a continuing period of time. The 16989
resolution shall specify the date of holding the election, which 16990
shall not be earlier than seventy-five days after certification of 16991
the resolution to the board of elections, and which shall be 16992
consistent with the requirements of section 3501.01 of the Revised 16993
Code. If two or more existing levies are to be included in a 16994
single substitute levy, but are not scheduled to expire in the 16995
same year, the resolution shall specify that the existing levies 16996
to be substituted shall not be levied after the year preceding the 16997
year in which the substitute levy is first imposed. 16998

The resolution shall go into immediate effect upon its 17000
passage, and no publication of the resolution shall be necessary 17001
other than that provided for in the notice of election. A copy of 17002
the resolution shall immediately after its passage be certified to 17003
the county auditor in the manner provided by section 5705.195 of 17004

the Revised Code, and sections 5705.194 and 5705.196 of the 17005
Revised Code shall govern the arrangements for the submission of 17006
the question and other matters concerning the notice of election 17007
and the election, except as may be provided otherwise in this 17008
section. 17009

(C) The form of the ballot to be used at the election on the 17010
question of a levy under this section shall be as follows: 17011

"Shall a tax levy substituting for an existing levy be 17012
imposed by the (here insert name of school district) 17013
for the purpose of providing for the necessary requirements of the 17014
school district in the initial sum of (here insert the 17015
annual dollar amount the levy is to produce in its initial year), 17016
and a levy of taxes be made outside of the ten-mill limitation 17017
estimated by the county auditor to require (here insert 17018
number of mills) mills for each one dollar of valuation, which 17019
amounts to (here insert rate expressed in dollars and 17020
cents) for each one hundred dollars of valuation for the initial 17021
year of the tax, for a period of (here insert the 17022
number of years the levy is to be imposed, or that it will be 17023
levied for a continuing period of time), commencing in 17024
(first year the tax is to be levied), first due in calendar year 17025
..... (first calendar year in which the tax shall be due), 17026
with the sum of such tax to increase only if and as new land or 17027
real property improvements not previously taxed by the school 17028
district are added to its tax list? 17029

	<u>FOR THE TAX LEVY</u>	
	<u>AGAINST THE TAX LEVY</u>	"

If the levy submitted is a proposal to substitute all or a 17035

portion of more than one existing levy, the form of the ballot may 17036
be changed so long as the ballot reflects the number of levies to 17037
be substituted and that none of the existing levies to be 17038
substituted will be levied after the year preceding the year in 17039
which the substitute levy is first imposed. The form of the ballot 17040
shall be modified by substituting the statement "Shall a tax levy 17041
substituting for an existing levy" with "Shall a tax levy 17042
substituting for existing levies" and adding the following 17043
statement after "added to its tax list?" and before "For the Tax 17044
Levy": 17045

"If approved, any remaining tax years on any of the 17046
..... (here insert the number of existing levies) existing 17047
levies will not be collected after (here insert the 17048
current tax year or, if not the current tax year, the applicable 17049
tax year)." 17050

(D) The submission of questions to the electors under this 17051
section is subject to the limitation on the number of election 17052
dates established by section 5705.214 of the Revised Code. 17053

(E) If a majority of the electors voting on the question so 17054
submitted in an election vote in favor of the levy, the board of 17055
education may make the necessary levy within the school district 17056
at the rate and for the purpose stated in the resolution. The tax 17057
levy shall be included in the next tax budget that is certified to 17058
the county budget commission. 17059

(F) A levy for a continuing period of time may be decreased 17060
pursuant to section 5705.261 of the Revised Code. 17061

(G) A levy under this section substituting for all or a 17062
portion of one or more existing levies imposed under sections 17063
5705.194 to 5705.197 of the Revised Code or under this section 17064
shall be treated as having renewed the levy or levies being 17065
substituted for purposes of the payments made under sections 17066

5751.20 to 5751.22 of the Revised Code. 17067

(H) After the approval of a levy on the current tax list and duplicate, and prior to the time when the first tax collection from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy to be collected during the first year of the levy. The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance. 17068
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Sec. 5705.214. Not more than three elections during any calendar year shall include the questions by a school district of tax levies proposed under any one or any combination of the following sections: sections 5705.194, 5705.199, 5705.21, 5705.212, 5705.213, 5705.217, and 5705.218 of the Revised Code. 17079
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Sec. 5705.29. This section does not apply to a subdivision or taxing unit for which the county budget commission has waived the requirement to adopt a tax budget pursuant to section 5705.281 of the Revised Code. The tax budget shall present the following information in such detail as is prescribed by the auditor of state: 17084
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(A)(1) A statement of the necessary current operating expenses for the ensuing fiscal year for each department and division of the subdivision, classified as to personal services and other expenses, and the fund from which such expenditures are to be made. Except in the case of a school district, this estimate may include a contingent expense not designated for any particular purpose, and not to exceed three per cent of the total amount of 17090
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appropriations for current expenses. In the case of a school 17097
district, this estimate may include a contingent expense not 17098
designated for any particular purpose and not to exceed thirteen 17099
per cent of the total amount of appropriations for current 17100
expenses. 17101

(2) A statement of the expenditures for the ensuing fiscal 17102
year necessary for permanent improvements, exclusive of any 17103
expense to be paid from bond issues, classified as to the 17104
improvements contemplated by the subdivision and the fund from 17105
which such expenditures are to be made; 17106

(3) The amounts required for the payment of final judgments; 17107

(4) A statement of expenditures for the ensuing fiscal year 17108
necessary for any purpose for which a special levy is authorized, 17109
and the fund from which such expenditures are to be made; 17110

(5) Comparative statements, so far as possible, in parallel 17111
columns of corresponding items of expenditures for the current 17112
fiscal year and the two preceding fiscal years. 17113

(B)(1) An estimate of receipts from other sources than the 17114
general property tax during the ensuing fiscal year, which shall 17115
include an estimate of unencumbered balances at the end of the 17116
current fiscal year, and the funds to which such estimated 17117
receipts are credited; 17118

(2) The amount each fund requires from the general property 17119
tax, which shall be the difference between the contemplated 17120
expenditure from the fund and the estimated receipts, as provided 17121
in this section. The section of the Revised Code under which the 17122
tax is authorized shall be set forth. 17123

(3) Comparative statements, so far as possible, in parallel 17124
columns of taxes and other revenues for the current fiscal year 17125
and the two preceding fiscal years. 17126

(C)(1) The amount required for debt charges;	17127
(2) The estimated receipts from sources other than the tax	17128
levy for payment of such debt charges, including the proceeds of	17129
refunding bonds to be issued to refund bonds maturing in the next	17130
succeeding fiscal year;	17131
(3) The net amount for which a tax levy shall be made,	17132
classified as to bonds authorized and issued prior to January 1,	17133
1922, and those authorized and issued subsequent to such date, and	17134
as to what portion of the levy will be within and what in excess	17135
of the ten-mill limitation.	17136
(D) An estimate of amounts from taxes authorized to be levied	17137
in excess of the ten-mill limitation on the tax rate, and the fund	17138
to which such amounts will be credited, together with the sections	17139
of the Revised Code under which each such tax is exempted from all	17140
limitations on the tax rate.	17141
(E)(1) A board of education may include in its budget for the	17142
fiscal year in which a levy proposed under section 5705.194,	17143
<u>5705.199</u> , 5705.21, or 5705.213, or the original levy under section	17144
5705.212 of the Revised Code is first extended on the tax list and	17145
duplicate an estimate of expenditures to be known as a voluntary	17146
contingency reserve balance, which shall not be greater than	17147
twenty-five per cent of the total amount of the levy estimated to	17148
be available for appropriation in such year.	17149
(2) A board of education may include in its budget for the	17150
fiscal year following the year in which a levy proposed under	17151
section 5705.194, <u>5705.199</u> , 5705.21, or 5705.213, or the original	17152
levy under section 5705.212 of the Revised Code is first extended	17153
on the tax list and duplicate an estimate of expenditures to be	17154
known as a voluntary contingency reserve balance, which shall not	17155
be greater than twenty per cent of the amount of the levy	17156
estimated to be available for appropriation in such year.	17157

(3) Except as provided in division (E)(4) of this section, 17158
the full amount of any reserve balance the board includes in its 17159
budget shall be retained by the county auditor and county 17160
treasurer out of the first semiannual settlement of taxes until 17161
the beginning of the next succeeding fiscal year, and thereupon, 17162
with the depository interest apportioned thereto, it shall be 17163
turned over to the board of education, to be used for the purposes 17164
of such fiscal year. 17165

(4) A board of education, by a two-thirds vote of all members 17166
of the board, may appropriate any amount withheld as a voluntary 17167
contingency reserve balance during the fiscal year for any lawful 17168
purpose, provided that prior to such appropriation the board of 17169
education has authorized the expenditure of all amounts 17170
appropriated for contingencies under section 5705.40 of the 17171
Revised Code. Upon request by the board of education, the county 17172
auditor shall draw a warrant on the district's account in the 17173
county treasury payable to the district in the amount requested. 17174

(F)(1) A board of education may include a spending reserve in 17175
its budget for fiscal years ending on or before June 30, 2002. The 17176
spending reserve shall consist of an estimate of expenditures not 17177
to exceed the district's spending reserve balance. A district's 17178
spending reserve balance is the amount by which the designated 17179
percentage of the district's estimated personal property taxes to 17180
be settled during the calendar year in which the fiscal year ends 17181
exceeds the estimated amount of personal property taxes to be so 17182
settled and received by the district during that fiscal year. 17183
Moneys from a spending reserve shall be appropriated in accordance 17184
with section 133.301 of the Revised Code. 17185

(2) For the purposes of computing a school district's 17186
spending reserve balance for a fiscal year, the designated 17187
percentage shall be as follows: 17188

Fiscal year ending in:	Designated percentage	17189
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1998	50%	17190
1999	40%	17191
2000	30%	17192
2001	20%	17193
2002	10%	17194

(G) Except as otherwise provided in this division, the county budget commission shall not reduce the taxing authority of a subdivision as a result of the creation of a reserve balance account. Except as otherwise provided in this division, the county budget commission shall not consider the amount in a reserve balance account of a township, county, or municipal corporation as an unencumbered balance or as revenue for the purposes of division (E)(3) or (4) of section 5747.51 of the Revised Code. The county budget commission may require documentation of the reasonableness of the reserve balance held in any reserve balance account. The commission shall consider any amount in a reserve balance account that it determines to be unreasonable as unencumbered and as revenue for the purposes of ~~sections~~ section 5747.51 of the Revised Code and may take such amounts into consideration when determining whether to reduce the taxing authority of a subdivision.

Sec. 5709.121. (A) Real property and tangible personal property belonging to a charitable or educational institution or to the state or a political subdivision, shall be considered as used exclusively for charitable or public purposes by such institution, the state, or political subdivision, if it meets one of the following requirements:

(1) It is used by such institution, the state, or political subdivision, or by one or more other such institutions, the state, or political subdivisions under a lease, sublease, or other contractual arrangement:

(a) As a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein; 17221
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(b) For other charitable, educational, or public purposes. 17224

(2) It is made available under the direction or control of such institution, the state, or political subdivision for use in furtherance of or incidental to its charitable, educational, or public purposes and not with the view to profit. 17225
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(3) It is used by an organization described in division (D) of section 5709.12 of the Revised Code. If the organization is a corporation that receives a grant under the Thomas Alva Edison grant program authorized by division (C) of section 122.33 of the Revised Code at any time during the tax year, "used," for the purposes of this division, includes holding property for lease or resale to others. 17229
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(B)(1) Property described in division (A)(1)(a) of this section shall continue to be considered as used exclusively for charitable or public purposes even if the property is conveyed through one conveyance or a series of conveyances to an entity that is not a charitable or educational institution and is not the state or a political subdivision, provided that all of the following conditions apply with respect to that property: 17236
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(a) The property has been listed as exempt on the county auditor's tax list and duplicate for the county in which it is located for the ten tax years immediately preceding the year in which the property is conveyed through one conveyance or a series of conveyances; 17243
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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 17248
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the year in which the property is conveyed or an affiliate of such 17252
prior owner or occupant; 17253

(c) The property includes improvements that are at least 17254
fifty years old; 17255

(d) The property is being renovated in connection with a 17256
claim for historic preservation tax credits available under 17257
federal law; 17258

(e) The property continues to be used for the purposes 17259
described in division (A)(1)(a) of this section after its 17260
conveyance; and 17261

(f) The property is certified by the United States secretary 17262
of the interior as a "certified historic structure" or certified 17263
as part of a certified historic structure. 17264

(2) Notwithstanding section 5715.27 of the Revised Code, an 17265
application for exemption from taxation of property described in 17266
division (B)(1) of this section may be filed by either the owner 17267
of the property or its occupant. 17268

(C) For purposes of this section, an institution is a 17269
charitable institution if the institution is a nonprofit 17270
corporation or association, no part of the net earnings of which 17271
inures to the benefit of any private shareholder or individual, is 17272
exempt from federal income taxation under section 501(a) of the 17273
Internal Revenue Code, the majority of the institution's board of 17274
directors are appointed by the mayor or legislative authority of a 17275
municipal corporation or a board of county commissioners, or a 17276
combination thereof, and the primary purpose of the institution is 17277
to assist in the development and revitalization of downtown urban 17278
areas. 17279

Sec. 5721.30. As used in sections 5721.30 to 5721.43 of the 17280
Revised Code: 17281

(A) "Tax certificate," "certificate," or "duplicate certificate" means a document that may be issued as a physical certificate, in book-entry form, or through an electronic medium, at the discretion of the county treasurer. Such document shall contain the information required by section 5721.31 of the Revised Code and shall be prepared, transferred, or redeemed in the manner prescribed by sections 5721.30 to 5721.43 of the Revised Code. As used in those sections, "tax certificate," "certificate," and "duplicate certificate" do not refer to the delinquent land tax certificate or the delinquent vacant land tax certificate issued under section 5721.13 of the Revised Code.

(B) "Certificate parcel" means the parcel of delinquent land that is the subject of and is described in a tax certificate.

(C) "Certificate holder" means a person who purchases a tax certificate under section 5721.32, 5721.33, or 5721.42 of the Revised Code, or a person to whom a tax certificate has been transferred pursuant to section 5721.36 of the Revised Code.

(D) "Certificate purchase price" means, with respect to the sale of tax certificates under sections 5721.32, 5721.33, and 5721.42 of the Revised Code, the amount equal to delinquent taxes, assessments, penalties, and interest computed under section ~~323.121~~ of the Revised Code charged against a certificate parcel at the time the tax certificate respecting that parcel is sold, not including any delinquent taxes, assessments, penalties, interest, and charges, the lien for which has been conveyed to a certificate holder through a prior sale of a tax certificate respecting that parcel; ~~provided, however, that payment.~~ Payment of the certificate purchase price in a sale under section 5721.33 of the Revised Code may be made wholly in cash or partially in cash and partially by noncash consideration acceptable to the county treasurer from the purchaser. In the event that any such noncash consideration is delivered to pay a portion of the

certificate purchase price, such noncash consideration may be 17314
subordinate to the rights of the holders of other obligations 17315
whose proceeds paid the cash portion of the certificate purchase 17316
price. 17317

"Certificate purchase price" also includes the amount of the 17318
fee charged by the county treasurer to the purchaser of the 17319
certificate under division (H) of section 5721.32 of the Revised 17320
Code. 17321

(E)(1) With respect to a sale of tax certificates under 17322
section 5721.32 of the Revised Code, and except as provided in 17323
division (E)(2) of this section, ~~both of the following apply:~~ 17324

~~(1) "Certificate~~ certificate redemption price" means the 17325
certificate purchase price plus the greater of the following: 17326

(a) ~~Interest~~ Simple interest, at the certificate rate of 17327
interest, accruing during the certificate interest period on the 17328
certificate purchase price, calculated in accordance with section 17329
5721.41 of the Revised Code; 17330

(b) Six per cent of the certificate purchase price. 17331

(2) If the certificate rate of interest equals zero, the 17332
certificate redemption price equals the certificate purchase price 17333
plus the fee charged by the county treasurer to the purchaser of 17334
the certificate under division (H) of section 5721.32 of the 17335
Revised Code. 17336

(F) With respect to a sale of tax certificates under section 17337
5721.33 of the Revised Code, "certificate redemption price" means 17338
the amount equal to the sum of the following: 17339

(1) The certificate purchase price; 17340

(2) Interest accrued on the certificate purchase price at the 17341
certificate rate of interest from the date on which a tax 17342
certificate is delivered through and including the day immediately 17343

preceding the day on which the certificate redemption price is 17344
paid; 17345

(3) The fee, if any, charged by the county treasurer to the 17346
purchaser of the certificate under division (J) of section 5721.33 17347
of the Revised Code; 17348

(4) Any other fees charged by any county office in connection 17349
with the recording of tax certificates. 17350

(G) "Certificate rate of interest" means the rate of simple 17351
interest per year bid by the winning bidder in an auction of a tax 17352
certificate held under section 5721.32 of the Revised Code, or the 17353
rate of simple interest per year not to exceed eighteen per cent 17354
per year fixed pursuant to section 5721.42 of the Revised Code or 17355
by the county treasurer with respect to any tax certificate sold 17356
pursuant to a negotiated sale under section 5721.33 of the Revised 17357
Code. The certificate rate of interest shall not be less than zero 17358
per cent per year. 17359

(H) "Cash" means United States currency, certified checks, 17360
money orders, bank drafts, ~~or~~ electronic transfer of funds, or 17361
other forms of payment authorized by the county treasurer, and 17362
excludes any other form of payment not so authorized. 17363

(I) "The date on which a tax certificate is sold," "the date 17364
the certificate was sold," "the date the certificate is 17365
purchased," and any other phrase of similar content mean, with 17366
respect to a sale pursuant to an auction under section 5721.32 of 17367
the Revised Code, the date designated by the county treasurer for 17368
the submission of bids and, with respect to a negotiated sale 17369
under section 5721.33 of the Revised Code, the date of delivery of 17370
the tax certificates to the purchasers thereof pursuant to a tax 17371
certificate sale/purchase agreement. 17372

(J) ~~"Purchaser of a tax certificate pursuant to section 17373
5721.32 of the Revised Code" means the winning bidder in an 17374~~

~~auction of a tax certificate held under section 5721.32 of the Revised Code.~~ 17375
17376

~~(K) "Certificate interest period" means, with respect to a tax certificate sold under section 5721.32 or 5721.42 of the Revised Code and for the purpose of accruing interest under section 5721.41 of the Revised Code, the period beginning on the date on which the certificate is purchased and, with respect to a tax certificate sold under section 5721.33 of the Revised Code, the period beginning on the date of delivery of the tax certificate, and in either case ending on one of the following dates:~~ 17377
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~~(1) In the case of foreclosure proceedings instituted under section 5721.37 of the Revised Code, the date the certificate holder submits a payment to the treasurer under division (B) of that section~~ 17386
The date the certificate holder files a request for foreclosure or notice of intent to foreclose under division (A) of section 5721.37 of the Revised Code and submits the payment required under division (B) of that section; 17387
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~~(2) In the case of a certificate parcel redeemed under division (A) or (C) of section 5721.38 of the Revised Code, the~~ 17393
The date the owner of record of the certificate parcel, or any other person entitled to redeem that parcel, pays to the county treasurer or to the certificate holder, as applicable, the full amount determined under that section redeems the certificate parcel under division (A) or (C) of section 5721.38 of the Revised Code or redeems the certificate under section 5721.381 of the Revised Code. 17394
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~~(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.~~ 17402
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~~(M)~~(K) "Qualified trustee" means a trust company within the 17407
state or a bank having the power of a trust company within the 17408
state with a combined capital stock, surplus, and undivided 17409
profits of at least one hundred million dollars. 17410

~~(N)~~(L) "Tax certificate sale/purchase agreement" means the 17411
purchase and sale agreement described in division (C) of section 17412
5721.33 of the Revised Code setting forth the certificate purchase 17413
price, plus any applicable premium or less any applicable 17414
discount, including, without limitation, the amount to be paid in 17415
cash and the amount and nature of any noncash consideration, the 17416
date of delivery of the tax certificates, and the other terms and 17417
conditions of the sale, including, without limitation, the rate of 17418
interest that the tax certificates shall bear. 17419

~~(O)~~(M) "Noncash consideration" means any form of 17420
consideration other than cash, including, but not limited to, 17421
promissory notes whether subordinate or otherwise. 17422

~~(P)~~(N) "Private attorney" means ~~for purposes of section~~ 17423
~~5721.37 of the Revised Code,~~ any attorney licensed to practice law 17424
in this state, ~~whether practicing with a firm of attorneys or~~ 17425
~~otherwise,~~ whose license has not been revoked ~~or otherwise~~ and is 17426
not currently suspended, ~~and who brings~~ is retained to bring 17427
foreclosure proceedings pursuant to section 5721.37 of the Revised 17428
Code on behalf of a certificate holder. 17429

~~(Q)~~(O) "Related certificate parcel" means, with respect to a 17430
certificate holder, the certificate parcel with respect to which 17431
the certificate holder has purchased and holds a tax certificate 17432
pursuant to sections 5721.30 to 5721.43 of the Revised Code and, 17433
with respect to a tax certificate, the certificate parcel against 17434
which the tax certificate has been sold pursuant to those 17435
sections. 17436

(P) "Delinquent taxes" means delinquent taxes as defined in 17437

section 323.01 of the Revised Code and includes assessments and 17438
charges, and penalties and interest computed under section 323.121 17439
of the Revised Code. 17440

Sec. 5721.31. (A)(1) After receipt of a duplicate of the 17441
delinquent land list compiled under section 5721.011 of the 17442
Revised Code, or a delinquent land list compiled previously under 17443
that section, ~~for a county having a population of at least two~~ 17444
~~hundred thousand according to the most recent federal decennial~~ 17445
~~ensus,~~ the county treasurer may select from the list parcels of 17446
delinquent land the lien against which the county treasurer may 17447
attempt to transfer by the sale of tax certificates under sections 17448
5721.30 to 5721.43 of the Revised Code. ~~The county treasurer may~~ 17449
~~select only those eligible parcels~~ None of the following parcels 17450
may be selected for a tax certificate sale: 17451

(a) A parcel for which the full amount of taxes, assessments, 17452
penalties, interest, and charges have ~~not yet~~ been paid ~~or~~; 17453

(b) A parcel for which a valid delinquent tax contract under 17454
section 323.122, 323.31, or 5713.20 of the Revised Code is ~~not~~ in 17455
force; 17456

(c) A parcel the owner of which has filed a petition in 17457
bankruptcy, so long as the parcel is property of the bankruptcy 17458
estate. ~~Each certificate shall contain the same information as is~~ 17459
~~required to be contained in the delinquent land list. The~~ 17460

(2) The county treasurer shall compile a separate list, ~~the~~ 17461
~~list~~ of parcels selected for tax certificate sales, including the 17462
same information as is required to be included in the delinquent 17463
land list. 17464

Upon compiling the list of parcels selected for tax 17465
certificate sales, the county treasurer may conduct a title search 17466
for any parcel on the list. 17467

(B)(1) Except as otherwise provided in division (B)(3) of 17468
this section, when tax certificates are to be sold under section 17469
5721.32 of the Revised Code with respect to parcels, the county 17470
treasurer shall send written notice by certified ~~or registered~~ 17471
mail to either the owner of record or all interested parties 17472
discoverable through a title search, or both, of each parcel on 17473
the list. A notice to an owner shall be sent to the owner's last 17474
known tax_mailing address. The notice shall inform the owner or 17475
interested parties that a tax certificate will be offered for sale 17476
on the parcel, and that the owner or interested parties may incur 17477
additional expenses as a result of the sale. 17478

(2) Except as otherwise provided in division (B)(3) of this 17479
section, when tax certificates are to be sold under section 17480
5721.33 of the Revised Code with respect to parcels, the county 17481
treasurer, at least thirty days prior to the date of sale of such 17482
tax certificates, shall send written notice of the sale by 17483
certified ~~or registered~~ mail, ~~or both~~, to the last known 17484
tax-mailing address of the record owner of the property or parcel 17485
and may send such notice to all parties with an interest in the 17486
property that has been recorded in the property records of the 17487
county pursuant to section 317.08 of the Revised Code. The notice 17488
shall state that a tax certificate will be offered for sale on the 17489
parcel, and that the owner or interested parties may incur 17490
additional expenses as a result of the sale. 17491

(3) The county treasurer is not required to send a notice 17492
under division (B)(1) or (B)(2) of this section if the treasurer 17493
previously has attempted to send such notice to the owner of the 17494
parcel and the notice has been returned by the post office as 17495
undeliverable. The absence of a valid tax_mailing address for the 17496
owner of a parcel does not preclude the county treasurer from 17497
selling a tax certificate for the parcel. 17498

(C) The county treasurer shall advertise the sale of tax 17499

certificates under section 5721.32 of the Revised Code in a 17500
newspaper of general circulation in the county, once a week for 17501
two consecutive weeks. The advertisement shall include the date, 17502
the time, and the place of the public auction, abbreviated legal 17503
descriptions of the parcels, and the names of the owners of record 17504
of the parcels. The advertisement also shall include the 17505
certificate purchase prices of the parcels or the total purchase 17506
price of tax certificates for sale in blocks of tax certificates. 17507

(D) After the county treasurer has compiled the list of 17508
parcels selected for tax certificate sales but before a tax 17509
certificate respecting a parcel is sold, if the owner of record of 17510
the parcel pays to the county treasurer in cash the ~~full amount of~~ 17511
~~delinquent taxes, assessments, penalties, interest, and charges~~ 17512
~~then due and payable or enters into a valid delinquent tax~~ 17513
~~contract under section 323.31 of the Revised Code to pay that~~ 17514
~~amount~~ delinquent taxes respecting the parcel or otherwise acts so 17515
that any condition in division (A)(1)(a), (b), or (c) of this 17516
section applies to the parcel, the owner of record of the parcel 17517
also shall pay a fee in an amount prescribed by the treasurer to 17518
cover the administrative costs of the treasurer under this section 17519
respecting the parcel ~~and credited~~. The fee shall be deposited in 17520
the county treasury to the credit of the tax certificate 17521
administration fund. 17522

(E) A tax certificate administration fund shall be created in 17523
the county treasury of each county selling tax certificates under 17524
sections 5721.30 to 5721.43 of the Revised Code. The fund shall be 17525
administered by the county treasurer, and used solely for the 17526
purposes of sections 5721.30 to 5721.43 of the Revised Code. Any 17527
fee received by the treasurer under sections 5721.30 to 5721.43 of 17528
the Revised Code shall be credited to the fund, except the bidder 17529
registration fee under division (B) of section 5721.32 of the 17530
Revised Code and the county prosecuting attorney's fee under 17531

division (B)(3) of section 5721.37 of the Revised Code. 17532

(F) The county treasurers of more than one county may jointly 17533
conduct a regional sale of tax certificates under section 5721.32 17534
of the Revised Code. A regional sale shall be held at a single 17535
location in one county, where the tax certificates from each of 17536
the participating counties shall be offered for sale at public 17537
auction. Before the regional sale, each county treasurer shall 17538
advertise the sale for the parcels in the treasurer's county as 17539
required by division (C) of this section. At the regional sale, 17540
tax certificates shall be sold on parcels from one county at a 17541
time, with all of the certificates for one county offered for sale 17542
before any certificates for the next county are offered for sale. 17543

(G) The tax commissioner shall prescribe the form of the tax 17544
certificate under this section, and county treasurers shall use 17545
the form so prescribed ~~by the commissioner~~. 17546

Sec. 5721.32. (A) The sale of tax certificates by public 17547
auction may be conducted at any time after completion of the 17548
advertising of the sale under section 5721.31 of the Revised Code, 17549
on the date and at the time and place designated in the 17550
advertisements, and may be continued from time to time as the 17551
county treasurer directs. The county treasurer may offer the tax 17552
certificates for sale in blocks of tax certificates, consisting of 17553
any number of tax certificates as determined by the county 17554
treasurer. 17555

(B)(1) The sale of tax certificates under this section shall 17556
be conducted at a public auction by the county treasurer or a 17557
designee of the county treasurer. 17558

(2) No person shall be permitted to bid without completing a 17559
bidder registration form, in the form prescribed by the tax 17560
commissioner, and without filing the form with the county 17561
treasurer prior to the start of the auction, together with 17562

remittance of a registration fee, in cash, of five hundred 17563
dollars. The bidder registration form shall include a tax 17564
identification number of the registrant. The registration fee is 17565
refundable at the end of bidding on the day of the auction, unless 17566
the registrant is the winning bidder for one or more tax 17567
certificates or one or more blocks of tax certificates, in which 17568
case the fee may be applied toward the deposit required by this 17569
section. 17570

(3) The county treasurer may require a person who wishes to 17571
bid on one or more parcels to submit a letter from a financial 17572
institution stating that the bidder has sufficient funds available 17573
to pay the purchase price of the parcels and a written 17574
authorization for the treasurer to verify such information with 17575
the financial institution. The county treasurer may require 17576
submission of the letter and authorization sufficiently in advance 17577
of the auction to allow for verification. No person who fails to 17578
submit the required letter and authorization, or whose financial 17579
institution fails to provide the requested verification, shall be 17580
permitted to bid. 17581

(C) At the public auction, the county treasurer or the 17582
treasurer's designee or agent shall begin the bidding at eighteen 17583
per cent per year simple interest, and accept lower bids in even 17584
increments of one-fourth of one per cent to the rate of zero per 17585
cent. The county treasurer, designee, or agent shall award the tax 17586
certificate to the person bidding the lowest certificate rate of 17587
interest. The county treasurer shall decide which person is the 17588
winning bidder in the event of a tie for the lowest bid offered, 17589
or if a person contests the lowest bid offered. The county 17590
treasurer's decision is not appealable. 17591

(D)(1) The winning bidder shall pay the county treasurer a 17592
cash deposit of at least ten per cent of the certificate purchase 17593
price not later than the close of business on the day of the sale. 17594

The winning bidder shall pay the balance and the fee required 17595
under division (H) of this section not later than five business 17596
days after the day on which the certificate is sold. ~~If~~ Except as 17597
provided under division (D)(2) of this section, if the winning 17598
bidder fails to pay the balance and fee within the prescribed 17599
time, the bidder forfeits the deposit, and the county treasurer 17600
shall retain the tax certificate and may attempt to sell it at any 17601
auction conducted at a later date. ~~The~~ 17602

(2) At the request of a winning bidder, the county treasurer 17603
may release the bidder from the bidder's tax certificate purchase 17604
obligation. The county treasurer may retain all or any portion of 17605
the deposit of a bidder granted a release. After granting a 17606
release under this division, the county treasurer may award the 17607
tax certificate to the person that submitted the second lowest bid 17608
at the auction. 17609

(3) The county treasurer shall deposit the ~~forfeited~~ deposit 17610
forfeited or retained under divisions (D)(1) or (2) of this 17611
section in the county treasury to the credit of the tax 17612
certificate administration fund. 17613

(E) Upon receipt of the full payment of the certificate 17614
purchase price from the purchaser, the county treasurer shall 17615
issue the tax certificate and record the tax certificate sale by 17616
~~marking on the tax certificate and~~ entering into a tax certificate 17617
register, the certificate purchase price, the certificate rate of 17618
interest, the date the certificate was sold, ~~and~~ the name and 17619
address of the certificate holder, ~~which~~ and any other information 17620
the county treasurer considers necessary. The county treasurer may 17621
keep the tax certificate register in a hard-copy format or in an 17622
electronic format. The name and address of the certificate holder 17623
may be, upon receipt of instructions from the purchaser, that of 17624
the secured party of the actual purchaser, or an agent or 17625
custodian for the purchaser or secured party. The county treasurer 17626

also shall transfer the tax certificate to the certificate holder 17627
and, upon presentation to the treasurer of instructions signed by 17628
the certificate purchaser, shall record in the tax certificate 17629
register the name and address of any secured party of the 17630
certificate purchaser having a security interest in the tax 17631
certificate. Upon the transfer of a tax certificate, the . The 17632
county treasurer shall apportion the part of the proceeds from the 17633
sale representing taxes, penalties, and interest among the several 17634
taxing districts in the same proportion that the amount of taxes 17635
levied by each district against the certificate parcel in the 17636
preceding tax year bears to the taxes levied by all such districts 17637
against the certificate parcel in the preceding tax year, and 17638
credit the part of the proceeds representing assessments and other 17639
charges to the items of assessments and charges in the order in 17640
which those items became due. Upon completion of the sale of 17641
issuing a tax certificate, the delinquent taxes, ~~assessments,~~ 17642
~~penalties, and interest~~ that make up the certificate purchase 17643
price are transferred, and the superior lien of the state and its 17644
taxing districts for those delinquent taxes, ~~assessments,~~ 17645
~~penalties, and interest~~ is conveyed intact to the certificate 17646
holder. 17647

(F) If a tax certificate is offered for sale under this 17648
section but is not sold, the county treasurer may strike the 17649
corresponding certificate parcel from the list of parcels selected 17650
for tax certificate sales. The lien for taxes, assessments, 17651
charges, penalties, and interest against a parcel stricken from 17652
the list thereafter may be foreclosed in the manner prescribed by 17653
section 323.25, 5721.14, or 5721.18 of the Revised Code unless, 17654
prior to the institution of such proceedings against the parcel, 17655
the county treasurer restores the parcel to the list of parcels 17656
selected for tax certificate sales. 17657

(G) A certificate holder shall not be liable for damages 17658

arising from a violation of sections 3737.87 to 3737.891 or 17659
Chapter 3704., 3734., 3745., 3746., 3750., 3751., 3752., 6109., or 17660
6111. of the Revised Code, or a rule adopted or order, permit, 17661
license, variance, or plan approval issued under any of those 17662
chapters, that is or was committed by another person in connection 17663
with the parcel for which the tax certificate is held. 17664

(H) When selling a tax certificate under this section, the 17665
county treasurer shall charge a fee to the purchaser of the 17666
certificate. The county treasurer shall set the fee at a 17667
reasonable amount that covers the treasurer's costs of 17668
administering the sale of the tax certificate. The county 17669
treasurer shall deposit the fee in the county treasury to the 17670
credit of the tax certificate administration fund. 17671

(I) After selling a tax certificate under this section, the 17672
county treasurer shall send written notice by certified ~~or~~ 17673
~~registered~~ mail to the owner of the certificate parcel at the 17674
owner's last known tax-mailing address. The notice shall inform 17675
the owner that the tax certificate was sold, shall describe the 17676
owner's options to redeem the parcel, including entering into a 17677
redemption payment plan under division (C)(1) of section 5721.38 17678
of the Revised Code, and shall name the certificate holder and its 17679
secured party, if any. However, the county treasurer is not 17680
required to send a notice under this division if the treasurer 17681
previously has attempted to send a notice to the owner of the 17682
parcel at the owner's last known tax-mailing address, and the 17683
postal service has returned the notice as undeliverable. 17684

(J) A tax certificate shall not be sold to the owner of the 17685
certificate parcel. 17686

Sec. 5721.33. (A) A county treasurer may, in the treasurer's 17687
discretion, negotiate the sale of any number of tax certificates 17688
with one or more persons, including. Terms that may be negotiated 17689

include, without limitation, any of the following: 17690

(1) A premium to be added to or discount to be subtracted 17691
from the certificate purchase price for the tax certificates ~~and~~ 17692
~~any~~; 17693

(2) Different time frames under which the certificate holder 17694
may initiate a foreclosure action than are otherwise allowed under 17695
sections 5721.30 to 5721.43 of the Revised Code, not to exceed six 17696
years after the date the tax certificate was sold; 17697

(3) The amount to be paid in private attorney's fees related 17698
to tax certificate foreclosures, subject to section 5721.371 of 17699
the Revised Code; 17700

(4) Any other terms of the sale that the county treasurer, in 17701
the treasurer's discretion, determines appropriate or necessary 17702
for the sale. 17703

(B) The sale of tax certificates under this section shall be 17704
governed by the criteria established by the county treasurer 17705
pursuant to division (E) of this section. 17706

(C) The county treasurer may execute a tax certificate 17707
sale/purchase agreement and other necessary agreements with a 17708
designated purchaser or purchasers to complete a negotiated sale 17709
of tax certificates. 17710

(D) The tax certificate may be sold at a premium to or 17711
discount from the certificate purchase price. The county treasurer 17712
may establish as one of the terms of the negotiated sale the 17713
portion of the certificate purchase price, plus any applicable 17714
premium or less any applicable discount, that the purchaser or 17715
purchasers shall pay in cash on the date the tax certificates are 17716
sold and the portion, if any, of the certificate purchase price, 17717
plus any applicable premium or less any applicable discount, that 17718
the purchaser or purchasers shall pay in noncash consideration and 17719
the nature of that consideration. 17720

The county treasurer shall sell such tax certificates at a certificate purchase price, plus any applicable premium and less any applicable discount, and at a certificate rate of interest that, in the treasurer's determination, are in the best interests of the county.

(E)(1) The county treasurer shall adopt rules governing the eligibility of persons to purchase tax certificates or to otherwise participate in a negotiated sale under this section. The rules may provide for precertification of such persons, including a requirement for disclosure of income, assets, and any other financial information the county treasurer determines appropriate. The rules also may prohibit any person that is delinquent in the payment of any tax to the county or to the state, or that is in default in or on any other obligation to the county or to the state, from purchasing a tax certificate or otherwise participating in a negotiated sale of tax certificates under this section. The eligibility information required shall include the tax identification number of the purchaser and may include the tax identification number of the participant. The county treasurer, upon request, shall provide a copy of the rules adopted under this section.

(2) Any person that intends to purchase a tax certificate in a negotiated sale shall submit an affidavit to the county treasurer that establishes compliance with the applicable eligibility criteria and includes any other information required by the treasurer. Any person that fails to submit such an affidavit is ineligible to purchase a tax certificate. Any person that knowingly submits a false or misleading affidavit shall forfeit any tax certificate or certificates purchased by the person at a sale for which the affidavit was submitted, shall be liable for payment of the full certificate purchase price, plus any applicable premium and less any applicable discount, of the

tax certificate or certificates, and shall be disqualified from 17753
participating in any tax certificate sale conducted in the county 17754
during the next five years. 17755

(3) A tax certificate shall not be sold to the owner of the 17756
certificate parcel or to any corporation, partnership, or 17757
association in which such owner has an interest. No person that 17758
purchases a tax certificate in a negotiated sale shall assign or 17759
transfer the tax certificate to the owner of the certificate 17760
parcel or to any corporation, partnership, or association in which 17761
the owner has an interest. Any person that knowingly or 17762
negligently transfers or assigns a tax certificate to the owner of 17763
the certificate parcel or to any corporation, partnership, or 17764
association in which such owner has an interest shall be liable 17765
for payment of the full certificate purchase price, plus any 17766
applicable premium and less any applicable discount, and shall not 17767
be entitled to a refund of any amount paid. Such tax certificate 17768
shall be deemed void and the tax lien sold under the tax 17769
certificate shall revert to the county as if no sale of the tax 17770
certificate had occurred. 17771

(F) The purchaser in a negotiated sale under this section 17772
shall deliver the certificate purchase price, plus any applicable 17773
premium and less any applicable discount and including any noncash 17774
consideration, to the county treasurer not later than the close of 17775
business on the date the tax certificates are delivered to the 17776
purchaser. The certificate purchase price, ~~plus any applicable~~ 17777
~~premium and~~ less any applicable discount, or portion of the price, 17778
that is paid in cash shall be deposited in the county's general 17779
fund to the credit of the account to which ad valorem real 17780
property taxes are credited and further credited as provided in 17781
division (G) of this section. Any applicable premium that is paid 17782
shall be, at the discretion of the county treasurer, apportioned 17783
to and deposited in any authorized county fund. The purchaser also 17784

shall pay on the date the tax certificates are delivered to the purchaser the fee, if any, negotiated under division (J) of this section. If the purchaser fails to pay the certificate purchase price, plus any applicable premium and less any applicable discount, and any such fee, within the time periods required by this section, the county treasurer shall retain the tax certificate and may attempt to sell it at any auction or negotiated sale conducted at a later date.

(G) Upon receipt of the full payment from the purchaser of the certificate purchase price, plus any applicable premium and less any applicable discount, and the negotiated fee, if any, ~~from the purchaser~~, the county treasurer, or a qualified trustee whom the treasurer has engaged for such purpose, shall issue the tax certificate and record the tax certificate sale by ~~marking on each of the tax certificates sold or, if issued in book entry form, on the global tax certificate, and marking~~ entering into a tax certificate register, the certificate purchase price, any premium paid or discount taken, the certificate rate of interest, the date the certificates were sold, ~~and~~ the name and address of the certificate holder or, in the case of issuance of the tax certificates in a book-entry system, the name and address of the nominee, ~~which~~ and any other information the county treasurer considers necessary. The county treasurer may keep the tax certificate register in a hard-copy format or an electronic format. The name and address of the certificate holder or nominee may be, upon receipt of instructions from the purchaser, that of the secured party of the actual purchaser, or an agent or custodian for the purchaser or secured party. The county treasurer also shall transfer the tax certificates to the certificate holder ~~and, upon presentation to the treasurer of instructions signed by the certificate purchaser or purchasers, shall record in the tax certificate register the name and address of any secured party of the certificate purchaser or purchasers having a security interest~~

~~in the tax certificate. Upon the transfer of the tax certificates,~~ 17818
~~the.~~ The county treasurer shall apportion the part of the cash 17819
proceeds from the sale representing taxes, penalties, and interest 17820
among the several taxing districts in the same proportion that the 17821
amount of taxes levied by each district against the certificate 17822
parcels in the preceding tax year bears to the taxes levied by all 17823
such districts against the certificate parcels in the preceding 17824
tax year, and credit the part of the proceeds representing 17825
assessments and other charges to the items of assessments and 17826
charges in the order in which those items became due. If the cash 17827
proceeds from the sale are not sufficient to fully satisfy the 17828
items of ~~outstanding delinquent~~ taxes, assessments, penalties, 17829
interest, and charges on the certificate parcels against which tax 17830
certificates were sold, the county treasurer shall credit the cash 17831
proceeds to such items pro rata based upon the proportion that 17832
each item of ~~delinquent~~ taxes, assessments, penalties, interest, 17833
and charges bears to the aggregate of all such items, or by any 17834
other method that the county treasurer, in the treasurer's sole 17835
discretion, determines is equitable. Upon ~~completion of the sale~~ 17836
~~of~~ issuing the tax certificates, the delinquent taxes, 17837
~~assessments, penalties, and interest~~ that make up the certificate 17838
purchase price are transferred, and the superior lien of the state 17839
and its taxing districts for those delinquent taxes, ~~assessments,~~ 17840
~~penalties, and interest~~ is conveyed intact to the certificate 17841
holder or holders. 17842

(H) If a tax certificate is offered for sale under this 17843
section but is not sold, the county treasurer may strike the 17844
corresponding certificate parcel from the list of parcels selected 17845
for tax certificate sales. The lien for taxes, assessments, 17846
charges, penalties, and interest against a parcel stricken from 17847
the list thereafter may be foreclosed in the manner prescribed by 17848
section 323.25, 5721.14, or 5721.18 of the Revised Code unless, 17849
prior to the institution of such proceedings against the parcel, 17850

the county treasurer restores the parcel to the list of parcels 17851
selected for tax certificate sales. 17852

(I) Neither a certificate holder nor its secured party, if 17853
any, shall be liable for damages arising from a violation of 17854
sections 3737.87 to 3737.891 or Chapter 3704., 3734., 3745., 17855
3746., 3750., 3751., 3752., 6109., or 6111. of the Revised Code, 17856
or a rule adopted or order, permit, license, variance, or plan 17857
approval issued under any of those chapters, that is or was 17858
committed by another person in connection with the parcel for 17859
which the tax certificate is held. 17860

(J) When selling a tax certificate under this section, the 17861
county treasurer may negotiate with the purchaser of the 17862
certificate for ~~a fee~~ fees paid by the purchaser to the county 17863
treasurer to reimburse the treasurer for any part or all of the 17864
treasurer's costs of preparing for and administering the sale of 17865
the tax certificate and any fees set forth by the county treasurer 17866
in the tax certificate sale/purchase agreement. Such ~~fee~~ fees, if 17867
any, shall be added to the certificate purchase price ~~of the~~ 17868
~~certificate~~ and shall be paid by the purchaser on the date of 17869
delivery of the tax certificate. The county treasurer shall 17870
deposit the ~~fee~~ fees in the county treasury to the credit of the 17871
tax certificate administration fund. 17872

(K) After selling tax certificates under this section, the 17873
county treasurer shall send written notice by certified ~~or~~ 17874
~~registered~~ mail to the last known tax-mailing address of the owner 17875
of the certificate parcel. The notice shall inform the owner that 17876
a tax certificate with respect to such owner's parcel was sold and 17877
shall describe the owner's options to redeem the parcel, including 17878
entering into a redemption payment plan under division (C)(2) of 17879
section 5721.38 of the Revised Code. However, the county treasurer 17880
is not required to send a notice under this division if the 17881
treasurer previously has attempted to send a notice to the owner 17882

of the parcel at the owner's last known tax-mailing address and 17883
the postal service has returned the notice as undeliverable. 17884

Sec. 5721.34. (A) A county treasurer shall not sell any tax 17885
certificate respecting a parcel of delinquent land ~~upon which the~~ 17886
~~full amount of delinquent taxes, assessments, penalties, interest,~~ 17887
~~charges, and costs then due and payable have been paid, or with~~ 17888
~~respect to which a valid delinquent tax contract under any of~~ 17889
divisions (A)(1)(a) to (c) of section 323.31 5721.31 of the 17890
Revised Code ~~to pay that amount has been entered into, prior to~~ 17891
~~the sale of the certificate by the county treasurer~~ apply. A 17892
certificate sold in violation of this section is void. 17893

(B) If the county treasurer discovers or determines that ~~the~~ 17894
a certificate is void under division (A) of this section for any 17895
reason, the holder of the void certificate is entitled to a refund 17896
of the certificate purchase price, plus any applicable premium and 17897
less any applicable discount, and the fee charged by the treasurer 17898
under division (H) of section 5721.32 or division (J) of section 17899
5721.33 of the Revised Code, if any, as applicable. If the county 17900
treasurer makes the discovery or determination more than ~~sixty~~ 17901
ninety days after the certificate's date of sale, the holder also 17902
is entitled to interest on the certificate purchase price at the 17903
rate of five per cent per year. The interest shall be calculated 17904
from the first day of the month following the month in which the 17905
certificate was sold, to the first day of the month in which the 17906
county treasurer makes the discovery or determination. The county 17907
treasurer shall notify the certificate holder by ordinary first 17908
class or certified mail or by binary means that the certificate is 17909
void and shall issue the refund. The county auditor shall issue a 17910
warrant for the portion of the refund from the undivided tax fund, 17911
which portion consists of the certificate purchase price, plus any 17912
applicable premium and less any applicable discount; the portion 17913
of the refund consisting of interest and the treasurer's fee, if 17914

any, shall be paid from the tax certificate administration fund. 17915
17916

(C) With respect to a tax certificate ~~sold under section~~ 17917
~~5721.32 of the Revised Code and~~ found to be void under division 17918
(A) ~~or (B)~~ of this section, ~~in addition to the remedies available~~ 17919
~~under division (B) of this section~~, the county treasurer may, with 17920
the approval of the certificate holder, substitute for such tax 17921
certificate ~~or portion thereof~~ another tax certificate that has a 17922
value certificate purchase price equivalent to the ~~value~~ 17923
certificate purchase price of the tax certificate found to be 17924
void. In addition, the substitute tax certificate shall be for a 17925
parcel concerning which the county treasurer has taken action 17926
under divisions (A), (B), and (C) of section 5721.31 of the 17927
Revised Code, but with respect to which a tax certificate has not 17928
been sold, and that has a true value, as determined by the county 17929
auditor, that is equivalent to the true value of the parcel for 17930
which the tax certificate has been found to be void. Whenever a 17931
tax certificate ~~of equivalent value~~ is to be substituted for a tax 17932
certificate that has been found to be void, the county treasurer 17933
shall provide ~~written~~ notice of the intention to substitute a tax 17934
certificate ~~of equivalent value~~ to any person required to be 17935
notified under division (I) of section 5721.32 or division (K) of 17936
section 5721.33 of the Revised Code. 17937

(D) If an application for the exemption from and remission of 17938
taxes made under section 3735.67 or 5715.27 of the Revised Code, 17939
or under any other section of the Revised Code under the 17940
jurisdiction of the director of environmental protection, is 17941
granted for a parcel for which a tax certificate has been sold, 17942
the county treasurer shall refund to the certificate holder, in 17943
the manner provided in this section, the amount of any taxes 17944
exempted or remitted that were included in the certificate 17945
purchase price. If the whole amount of the taxes included in the 17946

certificate purchase price are exempted or remitted, the tax 17947
certificate is void. If all of the taxes that were included in the 17948
certificate purchase price are not exempted or remitted, the 17949
county treasurer shall adjust the tax certificate register to 17950
reflect the remaining amount of taxes that were not exempted or 17951
remitted, and notify the certificate holder of the adjustment in 17952
writing. 17953

Sec. 5721.35. (A) Upon the sale and delivery of a tax 17954
certificate, the tax certificate vests in the certificate holder 17955
the first lien previously held by the state and its taxing 17956
districts under section 5721.10 of the Revised Code for the amount 17957
of taxes, assessments, interest, and penalty charged against a 17958
certificate parcel, superior to all other liens and encumbrances 17959
upon the parcel described in the tax certificate, in the amount of 17960
the certificate redemption price, except liens for delinquent 17961
~~taxes, assessments, penalties, interest, charges, and costs~~ that 17962
attached to the certificate parcel prior to the attachment of the 17963
lien being conveyed by the sale of such tax certificate. With 17964
respect to the priority as among such first liens of the state and 17965
its taxing districts for different years, the priority shall be 17966
determined by the date such first liens of the state and its 17967
taxing districts attached pursuant to section 323.11 of the 17968
Revised Code, with first priority to the earliest attached lien 17969
and each immediately subsequent priority based upon the next 17970
earliest attached lien. 17971

(B)(1) A certificate holder or the county treasurer may 17972
record the tax certificate or memorandum thereof in the office of 17973
the county recorder of the county in which the certificate parcel 17974
is situated, as a mortgage of land under division (A)(2) of 17975
section 317.08 of the Revised Code. The county recorder shall 17976
index the certificate in the indexes provided for under section 17977
317.18 of the Revised Code. If the lien is subsequently canceled, 17978

the cancellation also shall be recorded by the county recorder. 17979

(2) Notwithstanding Chapter 1309., Title LIII, or any other 17980
provision of the Revised Code, a secured party holding a security 17981
interest in a tax certificate or memorandum thereof may perfect 17982
that security interest only by one of the following methods: 17983

(a) Possession; 17984

(b) Registering the tax certificate with the county treasurer 17985
in the name of the secured party, or its agent or custodian, as 17986
certificate holder; 17987

(c) Recording the name of the secured party in the tax 17988
certificate register in the office of the county treasurer of the 17989
county in which the certificate parcel is situated. 17990

Sec. 5721.36. (A)(1) Except as otherwise provided in division 17991
(A)(2) of this section, the purchaser of a tax certificate sold as 17992
part of a block sale pursuant to section 5721.32 of the Revised 17993
Code may transfer the certificate to any person, and any other 17994
purchaser of a tax certificate pursuant to section 5721.32 or 17995
5721.33 of the Revised Code may transfer the certificate to any 17996
person, except the owner of the certificate parcel or any 17997
corporation, partnership, or association in which such owner has 17998
an interest. The transferee of a tax certificate subsequently may 17999
transfer the certificate to any other person to whom the purchaser 18000
could have transferred the certificate. The transferor of a tax 18001
certificate shall endorse the certificate and shall swear to the 18002
endorsement before a notary public or other officer empowered to 18003
administer oaths. The transferee shall present the endorsed 18004
certificate and a notarized copy of a valid form of identification 18005
showing the transferee's taxpayer identification number to the 18006
county treasurer of the county where the certificate is 18007
registered, who shall, upon payment of a fee of twenty dollars to 18008
cover the costs associated with the transfer of a tax certificate, 18009

enter upon the register of certificate holders opposite the 18010
certificate entry the name and address of the transferee, the date 18011
of entry, and, upon presentation to the treasurer of instructions 18012
signed by the transferee, the name and address of any secured 18013
party of the transferee having an interest in the tax certificate. 18014
The treasurer shall deposit the fee in the county treasury to the 18015
credit of the tax certificate administration fund. 18016

18017

Except as otherwise provided in division (A)(2) of this 18018
section, no request for foreclosure or notice of intent to 18019
foreclose, as the case may be, shall be filed by any person other 18020
than the person shown on the tax certificate register to be the 18021
certificate holder or a private attorney for that person properly 18022
authorized to act in that person's behalf. 18023

(2) Upon registration of a security interest with the county 18024
treasurer ~~as provided in section 5721.32 or 5721.33 of the Revised~~ 18025
~~Code~~, both of the following apply: 18026

(a) No purchaser or transferee of a tax certificate may 18027
transfer that tax certificate except upon presentation to the 18028
treasurer of instructions signed by the secured party authorizing 18029
such action. 18030

(b) Only the secured party may issue a request for 18031
foreclosure or notice of intent to foreclose concerning that tax 18032
certificate. 18033

(B)(1) Application may be made to the county treasurer for a 18034
duplicate certificate if a certificate is alleged by affidavit to 18035
have been lost or destroyed. The treasurer shall issue a duplicate 18036
certificate, upon payment of a fee of twenty dollars to cover the 18037
costs of issuing the duplicate certificate. The treasurer shall 18038
deposit the fee in the county treasury to the credit of the tax 18039
certificate administration fund. 18040

(2) The duplicate certificate shall be plainly marked or stamped "duplicate." 18041
18042

(3) The treasurer shall enter the fact of the duplicate in the tax certificate register ~~of certificate holders~~. 18043
18044

Sec. 5721.37. (A)(1) With respect to a tax certificate 18045
purchased under section 5721.32 of the Revised Code, or under 18046
section 5721.42 of the Revised Code ~~in counties to which by the~~ 18047
holder of a certificate issued under section 5721.32 of the 18048
Revised Code ~~applies~~, at any time after one year from the date 18049
shown on the tax certificate as the date the tax certificate was 18050
sold, and not later than three years after that date, the 18051
certificate holder may file with the county treasurer a request 18052
for foreclosure, or a private attorney on behalf of the 18053
certificate holder may file with the county treasurer a notice of 18054
intent to foreclose, on a form prescribed by the tax commissioner 18055
~~and provided by the county treasurer~~, provided the certificate 18056
parcel has not ~~yet~~ been redeemed under division (A) or (C) of 18057
section 5721.38 of the Revised Code and at least one certificate 18058
respecting the certificate parcel, held by the certificate holder 18059
filing the request for foreclosure or notice of intent to 18060
foreclose and eligible to be enforced through a foreclosure 18061
proceeding, has not been voided under section 5721.381 of the 18062
Revised Code. 18063

(2) With respect to a tax certificate purchased under section 18064
5721.33 of the Revised Code, or under section 5721.42 of the 18065
Revised Code ~~in counties to which by the holder of a certificate~~ 18066
issued under section 5721.33 of the Revised Code ~~applies~~, at any 18067
time after one year from the date shown on the tax certificate as 18068
the date the tax certificate was sold, and not later than six 18069
years after that date or any extension of that date pursuant to 18070
division (C)(2) of section 5721.38 of the Revised Code, or not 18071

earlier or later than the dates negotiated by the county treasurer 18072
and specified in the tax certificate sale/purchase agreement, the 18073
certificate holder may file with the county treasurer a request 18074
for foreclosure, or a private attorney on behalf of the 18075
certificate holder may file with the county treasurer a notice of 18076
intent to foreclose, on a form prescribed by the tax commissioner 18077
~~and provided by the county treasurer,~~ provided the parcel has not 18078
~~yet~~ been redeemed under division (A) or (C) of section 5721.38 of 18079
the Revised Code and at least one certificate respecting the 18080
certificate parcel, held by the certificate holder filing the 18081
request for foreclosure or notice of intent to foreclose and 18082
eligible to be enforced through a foreclosure proceeding, has not 18083
been voided under section 5721.381 of the Revised Code. 18084

(3)(a) With respect to a tax certificate purchased under 18085
section 5721.32 of the Revised Code, or under section 5721.42 of 18086
the Revised Code ~~in counties to which~~ by the holder of a 18087
certificate issued under section 5721.32 of the Revised Code 18088
~~applies,~~ if, before the expiration of three years after the date a 18089
tax certificate was sold, the owner of the property for which the 18090
certificate was sold files a petition in bankruptcy, the county 18091
treasurer, upon being notified of the filing of the petition, 18092
shall notify the certificate holder by ordinary first-class or 18093
certified mail or by binary means of the filing of the petition. 18094
~~If the owner of the property files a petition in bankruptcy, the~~ 18095
It is the obligation of the certificate holder to file a proof of 18096
claim with the bankruptcy court to protect the holder's interest 18097
in the certificate parcel. The last day on which the certificate 18098
holder may file a request for foreclosure or the private attorney 18099
may file a notice of intent to foreclose is the later of three 18100
years after the date the certificate was sold or one hundred 18101
eighty days after the ~~bankruptcy case is closed~~ certificate parcel 18102
is no longer property of the bankruptcy estate; however, the 18103
three-year period ~~being~~ measured from the date ~~that~~ the 18104

certificate was sold is tolled while the ~~owner of the property's~~ 18105
~~petition in bankruptcy is being heard and~~ property owner's 18106
bankruptcy case remains open. 18107

(b) With respect to a tax certificate purchased under section 18108
5721.33 of the Revised Code, or under section 5721.42 of the 18109
Revised Code ~~in counties to which~~ by the holder of a certificate 18110
issued under section 5721.33 of the Revised Code ~~applies~~, if, 18111
before ~~the expiration of~~ six years after the date a tax 18112
certificate was sold or before the date negotiated by the county 18113
treasurer, the owner of the property files a petition in 18114
bankruptcy, the county treasurer, upon being notified of the 18115
filing of the petition, shall notify the certificate holder by 18116
ordinary first-class or certified mail or by binary means of the 18117
filing of the petition. ~~If the owner of the property files a~~ 18118
~~petition in bankruptcy, the~~ It is the obligation of the 18119
certificate holder to file a proof of claim with the bankruptcy 18120
court to protect the holder's interest in the certificate parcel. 18121
The last day on which the certificate holder may file a notice of 18122
intent to foreclose is the later of six years after the date ~~that~~ 18123
the tax certificate was sold or the date negotiated by the county 18124
treasurer, or one hundred eighty days after the ~~bankruptcy case is~~ 18125
~~closed~~ certificate parcel is no longer property of the bankruptcy 18126
estate; however, the six-year or negotiated period being measured 18127
after the date ~~that~~ the certificate was sold is tolled while the 18128
~~owner of the property's~~ petition in bankruptcy is being heard and 18129
property owner's bankruptcy case remains open. 18130

(c) Interest at the certificate rate of interest continues to 18131
accrue during any extension of time required by division (A)(3)(a) 18132
or (b) of this section unless otherwise provided under Title 11 of 18133
the United States Code. 18134

(4) If, before the expiration of three years from the date a 18135
tax certificate was sold, the owner of property for which the 18136

certificate was sold applies for an exemption under section 18137
3735.67 or 5715.27 of the Revised Code or under any other section 18138
of the Revised Code under the jurisdiction of the director of 18139
environmental protection, the county treasurer shall notify the 18140
certificate holder by ordinary first-class or certified mail or by 18141
binary means of the filing of the application. Once a 18142
determination has been made on the exemption application, the 18143
county treasurer shall notify the certificate holder of the 18144
determination by ordinary first-class or certified mail or by 18145
binary means. The last day on which the certificate holder may 18146
file a request for foreclosure shall be the later of three years 18147
from the date the certificate was sold or forty-five days after 18148
notice of the determination was ~~mailed~~ provided. 18149

(B) ~~Along with~~ When a request for foreclosure or a notice of 18150
intent to foreclose is filed under division (A)(1) or (2) of this 18151
section, ~~or a notice of intent to foreclose filed under division~~ 18152
~~(A)(2) of this section and prior to the transfer of title in~~ 18153
~~connection with foreclosure proceedings filed under division (F)~~ 18154
~~of this section~~, the certificate holder shall submit a payment to 18155
the county treasurer equal to the sum of the following: 18156

(1) The certificate redemption prices of all outstanding tax 18157
certificates that have been sold on the parcel, other than tax 18158
certificates held by the person requesting foreclosure; 18159

(2) Any ~~delinquent~~ taxes, assessments, penalties, interest, 18160
and charges ~~that are~~ appearing on the tax duplicate charged 18161
against the certificate parcel that is the subject of the 18162
foreclosure proceedings and that are not covered by a tax 18163
certificate; 18164

(3) If the foreclosure proceedings are filed by the county 18165
prosecuting attorney pursuant to section 323.25, 5721.14, or 18166
5721.18 of the Revised Code, a fee in the amount prescribed by the 18167
county prosecuting attorney to cover the prosecuting attorney's 18168

legal costs incurred in the foreclosure proceeding+ 18169

~~(4) If the foreclosure proceedings are filed by a private 18170
attorney on behalf of the certificate holder pursuant to division 18171
(F) of this section, any other prior liens. 18172~~

(C)(1) With respect to a certificate purchased under section 18173
5721.32, 5721.33, or 5721.42 of the Revised Code, if the 18174
certificate parcel has not been redeemed and at least one 18175
certificate respecting the certificate parcel, held by the 18176
certificate holder filing the request for foreclosure and eligible 18177
to be enforced through a foreclosure proceeding, has not been 18178
voided under section 5721.381 of the Revised Code, the county 18179
treasurer, within five days after receiving a foreclosure request 18180
and the payment required under division (B) of this section, shall 18181
~~inform~~ certify notice to that effect to the county prosecuting 18182
attorney ~~that the parcel has not been redeemed~~ and shall provide a 18183
copy of the foreclosure request. The county treasurer also shall 18184
send notice by ordinary first class or certified mail to all 18185
certificate holders other than the certificate holder requesting 18186
foreclosure that foreclosure has been requested by a certificate 18187
holder and that payment for the tax certificates for the 18188
~~certificate parcel may be redeemed~~ is forthcoming. Within ninety 18189
days of receiving the copy of the foreclosure request, the 18190
prosecuting attorney shall commence a foreclosure proceeding in 18191
the name of the county treasurer in the manner provided under 18192
section 323.25, 5721.14, or 5721.18 of the Revised Code, to 18193
~~foreclose~~ enforce the lien vested in the certificate holder by the 18194
certificate. The prosecuting attorney shall attach to the 18195
complaint the foreclosure request and the county treasurer's 18196
written certification ~~that the parcel has not been redeemed~~. 18197

18198
(2) With respect to a certificate purchased under section 18199
5721.32, 5721.33, or 5721.42 of the Revised Code, if the 18200

certificate parcel has not been redeemed ~~and, at least one~~ 18201
~~certificate respecting the certificate parcel, held by the~~ 18202
~~certificate holder filing the notice of intent to foreclose and~~ 18203
~~eligible to be enforced through a foreclosure proceeding, has not~~ 18204
~~been voided under section 5721.381 of the Revised Code, a notice~~ 18205
~~of intent to foreclose has been filed, and the payment required~~ 18206
~~under division (B) of this section has been made, the county~~ 18207
treasurer shall ~~provide certification~~ certify notice to that 18208
effect to the private attorney ~~that the parcel has not been~~ 18209
~~redeemed~~. The county treasurer also shall send notice by ordinary 18210
first class or certified mail or by binary means to all 18211
certificate holders other than the certificate holder represented 18212
by the attorney that a notice of intent to foreclose has been 18213
filed and that payment for the tax certificates ~~for the~~ 18214
~~certificate parcel may be redeemed~~ is forthcoming. After receipt 18215
of ~~that~~ the treasurer's certification and not later than one 18216
hundred twenty days after the filing of the intent to foreclose or 18217
the number of days specified under the terms of a negotiated sale 18218
under section 5721.33 of the Revised Code, the private attorney 18219
~~may~~ shall commence a foreclosure proceeding in the name of the 18220
certificate holder in the manner provided under division (F) of 18221
this section, ~~to foreclose~~ enforce the lien vested in the 18222
certificate holder by the certificate. The private attorney shall 18223
attach to the complaint the notice of intent to foreclose and the 18224
county treasurer's written certification ~~that the parcel has not~~ 18225
~~been redeemed~~. 18226

(D) The county treasurer shall credit the amount received 18227
under division (B)(1) of this section to the tax certificate 18228
redemption fund. The tax certificates respecting the payment shall 18229
be ~~redeemed~~ paid as provided in division ~~(E)~~ (D) of section 5721.38 18230
of the Revised Code. The amount received under division (B)(2) of 18231
this section shall be distributed to the taxing districts to which 18232
the ~~delinquencies~~ delinquent and unpaid amounts are owed. The 18233

county treasurer shall deposit the fee received under division 18234
(B)(3) of this section in the county treasury to the credit of the 18235
delinquent tax and assessment collection fund. ~~The amount received~~ 18236
~~under division (B)(4) of this section shall be distributed to the~~ 18237
~~holder of the prior lien.~~ 18238

(E)(1) If, in the case of a certificate purchased under 18239
section 5721.32 ~~or 5721.42~~ of the Revised Code, or under section 18240
5721.42 of the Revised Code by the holder of a certificate issued 18241
under section 5721.32 of the Revised Code, the certificate holder 18242
does not file with the county treasurer a request for foreclosure 18243
or a notice of intent to foreclose ~~along~~ with the required payment 18244
within three years after the date shown on the tax certificate as 18245
the date the certificate was sold or within the period provided 18246
under division (A)(3)(a) of this section, and during that ~~period~~ 18247
time the certificate has not been voided under section 5721.381 of 18248
the Revised Code and the parcel is has not been redeemed or 18249
foreclosed upon, the certificate holder's lien against the parcel 18250
~~for the certificate redemption price is canceled, and the~~ 18251
certificate is voided. 18252

(2)(a) If, in the case of a certificate purchased under 18253
section 5721.33 of the Revised Code, or under section 5721.42 of 18254
the Revised Code by the holder of a certificate issued under 18255
section 5721.33 of the Revised Code, the certificate holder does 18256
not file with the county treasurer a request for foreclosure or a 18257
notice of intent to foreclose with respect to a certificate parcel 18258
with the required payment within six years after the date shown on 18259
the tax certificate as the date the certificate was sold or any 18260
extension of that date pursuant to division (C)(2) of section 18261
5721.38 of the Revised Code, or within the period provided under 18262
division (A)(3)(b) of this section or as specified under the terms 18263
of a negotiated sale under section 5721.33 of the Revised Code, 18264
and during that ~~period~~ time the parcel is not redeemed certificate 18265

has not been voided under section 5721.381 of the Revised Code and 18266
the certificate parcel has not been redeemed or foreclosed upon, 18267
the certificate holder's lien against the parcel ~~for the amount of~~ 18268
~~delinquent taxes, assessments, penalties, interest, and charges~~ 18269
~~that make up the certificate purchase price~~ is canceled and the 18270
certificate is voided, subject to division (E)(2)(b) of this 18271
section. 18272

(b) In the case of any tax certificate purchased under 18273
section 5721.33 of the Revised Code prior to October 10, 2000, the 18274
county treasurer, upon application by the certificate holder, may 18275
sell to the certificate holder a new certificate extending the 18276
three-year period prescribed by division (E)(2) of this section, 18277
as that division existed prior to October 10, 2000, to six years 18278
after the date shown on the original certificate as the date it 18279
was sold or any extension of that date. The county treasurer and 18280
the certificate holder shall negotiate the premium, in cash, to be 18281
paid for the new certificate sold under this section. If the 18282
county treasurer and certificate holder do not negotiate a 18283
mutually acceptable premium, the county treasurer and certificate 18284
holder may agree to engage a person experienced in the valuation 18285
of financial assets to appraise a fair premium for the new 18286
certificate. The certificate holder has the option to purchase the 18287
new certificate for the fair premium so appraised. Not less than 18288
one-half of the fee of the person so engaged shall be paid by the 18289
certificate holder requesting the new certificate; the remainder 18290
of the fee shall be paid from the proceeds of the sale of the new 18291
certificate. If the certificate holder does not purchase the new 18292
certificate for the premium so appraised, the certificate holder 18293
shall pay the entire fee. The county treasurer shall credit the 18294
remaining proceeds from the sale to the items of taxes, 18295
assessments, penalties, interest, and charges in the order in 18296
which they became due. 18297

A certificate issued under this division vests in the certificate holder and its secured party, if any, the same rights, interests, privileges, and immunities as are vested by the original certificate under sections 5721.30 to 5721.43 of the Revised Code, except that interest payable under division (B) of section 5721.38 or division ~~(B)~~(D)(2) of section 5721.39 of the Revised Code shall be subject to the amendments to those divisions by Sub. H.B. 533 of the 123rd general assembly. The certificate shall be issued in the same form as the form prescribed for the original certificate issued except for any modifications necessary, in the county treasurer's discretion, to reflect the extension under this division of the certificate holder's lien to six years after the date shown on the original certificate as the date it was sold or any extension of that date. The certificate holder may record a certificate issued under division (E)(2)(b) of this section or memorandum thereof as provided in division (B) of section 5721.35 of the Revised Code, and the county recorder shall index the certificate and record any subsequent cancellation of the lien as provided in that section. The sale of a certificate extending the lien under division (E)(2)(b) of this section does not impair the right of redemption of the owner of record of the certificate parcel or of any other person entitled to redeem the property.

(3) If the holder of a certificate purchased under section 5721.32, 5721.33, or 5721.42 of the Revised Code submits a notice of intent to foreclose to the county treasurer but fails to file a foreclosure action in a court of competent jurisdiction within the time specified in division (C)(2) of this section, the liens represented by all tax certificates respecting the certificate parcel held by that certificate holder, and for which the deadline for filing a notice of intent to foreclose has passed, are canceled and the certificates voided, and the certificate holder forfeits the payment of the amounts described in division (B)(2)

of this section. 18331

(F) With respect to tax certificates purchased under section 18332
5721.32, 5721.33, or 5721.42 of the Revised Code, upon the 18333
delivery to the ~~certificate holder~~ private attorney by the county 18334
treasurer of the certification provided for under division (C)(2) 18335
of this section, a the private attorney ~~may~~ shall institute a 18336
foreclosure proceeding under this division in the name of the 18337
certificate holder to ~~foreclose such~~ enforce the holder's lien, in 18338
any court with jurisdiction, unless the certificate redemption 18339
price is paid prior to the time a complaint is filed. The attorney 18340
shall prosecute the proceeding to final judgment and satisfaction, 18341
whether through sale of the property or the vesting of title and 18342
possession in the certificate holder. 18343

The foreclosure proceedings under this division, except as 18344
otherwise provided in this division, shall be instituted and 18345
prosecuted in the same manner as is provided by law for the 18346
foreclosure of mortgages on land, except that, if service by 18347
publication is necessary, such publication shall be made once a 18348
week for three consecutive weeks and the service shall be complete 18349
at the expiration of three weeks after the date of the first 18350
publication. 18351

Any notice given under this division shall include the name 18352
of the owner of the parcel as last set forth in the records of the 18353
county recorder, the owner's last known mailing address, the 18354
address of the subject parcel if different from that of the owner, 18355
and a complete legal description of the subject parcel. In any 18356
county that has adopted a permanent parcel number system, such 18357
notice may include the permanent parcel number in addition to a 18358
complete legal description. 18359

It is sufficient, having been made a proper party to the 18360
foreclosure proceeding, for the certificate holder to allege in 18361
such holder's complaint that the tax certificate has been duly 18362

purchased by the certificate holder, that the certificate 18363
redemption price ~~appearing to be due and unpaid~~ is due and unpaid, 18364
and that there is a lien against the property described in the tax 18365
certificate, without setting forth in such holder's complaint any 18366
other special matter relating to the foreclosure proceeding. The 18367
~~prayer of the complaint shall be that the court issue an order~~ 18368
~~that the property be sold by the sheriff or, if the action is in~~ 18369
~~the municipal court, by the bailiff,~~ complaint shall pray for an 18370
order directing the sheriff, or the bailiff if the complaint is 18371
filed in municipal court, to offer the property for sale in the 18372
manner provided in section 5721.19 of the Revised Code, unless the 18373
complaint ~~includes an appraisal by an independent appraiser~~ 18374
~~acceptable to~~ documents that the court county auditor has 18375
determined that the true value of the certificate parcel is less 18376
than the certificate purchase price. In that case, the prayer of 18377
the complaint shall ~~be~~ request that fee simple title to the 18378
property be transferred to and vested in the certificate holder 18379
free and clear of all subordinate liens. 18380

In the foreclosure proceeding, the certificate holder may 18381
join in one action any number of tax certificates relating to the 18382
same owner, ~~provided that all parties on each of the tax~~ 18383
~~certificates are identical as to name and priority of interest.~~ 18384
However, the decree for each tax certificate shall be rendered 18385
separately and any proceeding may be severed, in the discretion of 18386
the court, for the purpose of trial or appeal. ~~The~~ Upon 18387
confirmation of sale, the court shall order payment of all costs 18388
related directly or indirectly to ~~the redemption of the tax~~ 18389
certificate, including, without limitation, attorney's fees of the 18390
holder's attorney, ~~as is considered proper~~ in accordance with 18391
section 5721.371 of the Revised Code. The tax certificate 18392
purchased by the certificate holder is presumptive evidence in all 18393
courts and in all proceedings, including, without limitation, at 18394
the trial of the foreclosure action, of the amount and validity of 18395

the taxes, assessments, charges, penalties by the court and added 18396
to such principal amount, and interest appearing due and unpaid 18397
and of their nonpayment. 18398

~~(G) For the purposes of this section, "prior liens" means 18399
liens that are prior in right to the lien with respect to the tax 18400
certificate that is the subject of the foreclosure proceedings. 18401~~

~~(H) If a parcel is sold under this section, the officer who 18402
conducted the sale shall collect the recording fee from the 18403
purchaser at the time of the sale and, following confirmation of 18404
the sale, shall prepare and record the deed conveying the title to 18405
the parcel to the purchaser. 18406~~

Sec. 5721.371. Private attorney's fees payable with respect 18407
to an action under sections 5721.30 to 5721.46 of the Revised Code 18408
are subject to the following conditions: 18409

(A) The fees must be reasonable. 18410

(B) Fees exceeding two thousand five hundred dollars shall be 18411
paid only if authorized by a court order. 18412

(C) The terms of a sale negotiated under section 5721.33 of 18413
the Revised Code may include the amount to be paid in private 18414
attorney's fees, subject to division (B) of this section. 18415

Sec. 5721.38. (A) At any time prior to payment to the county 18416
treasurer by the certificate holder to initiate foreclosure 18417
proceedings under division (B) of section 5721.37 of the Revised 18418
Code, the owner of record of the certificate parcel, or any other 18419
person entitled to redeem that parcel, may redeem the parcel by 18420
paying to the county treasurer an amount equal to the total of the 18421
certificate redemption prices of all tax certificates respecting 18422
that parcel. 18423

(B) At any time after payment to the county treasurer by the 18424

certificate holder to initiate foreclosure proceedings under 18425
section 5721.37 of the Revised Code and prior to the filing of the 18426
entry of confirmation of sale of a certificate parcel under 18427
foreclosure proceedings filed by the county prosecuting attorney 18428
or prior to the decree conveying title to the certificate holder 18429
as provided for in division (F) of section 5721.37 of the Revised 18430
Code, the owner of record of the certificate parcel or any other 18431
person entitled to redeem that parcel may redeem the parcel by 18432
paying to the county treasurer the sum of the following amounts: 18433

(1) The amount described in division (A) of this section; 18434

(2) Interest on the certificate purchase price for each tax 18435
certificate sold respecting the parcel at the rate of eighteen per 18436
cent per year for the period beginning on the day on which the 18437
payment was submitted by the certificate holder and ending on the 18438
day the parcel is redeemed under this division, ~~except that such~~ 18439
~~interest shall not accrue for more than three years after the day~~ 18440
~~the certificate was purchased if the certificate holder did not~~ 18441
~~submit payment under division (B) of section 5721.37 of the~~ 18442
~~Revised Code before the end of that three year period;~~ 18443

(3) An amount equal to the sum of the county prosecuting 18444
attorney's fee under division (B)(3) of section 5721.37 of the 18445
Revised Code ~~if the tax certificate was purchased under section~~ 18446
~~5721.32 or 5721.42 of the Revised Code~~ plus interest on that 18447
amount at the rate of eighteen per cent per year beginning on the 18448
day on which the payment was submitted by the certificate holder 18449
and ending on the day the parcel is redeemed under this division. 18450
If the parcel is redeemed before the complaint has been filed, the 18451
prosecuting attorney shall adjust the fee to reflect services 18452
performed to the date of redemption, and the county treasurer 18453
shall calculate the interest based on the adjusted fee and refund 18454
any excess fee to the certificate holder. 18455

(4) Reasonable attorney's fees in accordance with section 18456

5721.371 of the Revised Code if the certificate holder retained a private attorney to foreclose the lien; 18457
18458

(5) Any other costs and fees of the proceeding allocable to the certificate parcel as determined by the court. ~~Upon~~ 18459
18460

The county treasurer may collect the total amount due under divisions (B)(1) to (5) of this section in the form of guaranteed funds acceptable to the treasurer. Immediately upon receipt of such payments, the county treasurer shall ~~refund the payment made by~~ reimburse the certificate holder ~~to initiate~~ who initiated foreclosure proceedings as provided in division (D) of this section. The county treasurer shall pay the certificate holder interest at the rate of eighteen per cent per year on amounts paid under divisions (B)(2) and (3) of section 5721.37 of the Revised Code, beginning on the day the certificate holder paid the amounts under those divisions and ending on the day the parcel is redeemed under this section. 18461
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(C)(1) During the period beginning on the date a tax certificate is sold under section 5721.32 of the Revised Code and ending one year from that date, the county treasurer may enter into a redemption payment plan with the owner of record of the certificate parcel or any other person entitled to redeem that parcel. The plan shall require the owner or other person to pay the certificate redemption price for the tax certificate in installments, with the final installment due no later than one year after the date the tax certificate is sold. The certificate holder may at any time, by written notice to the county treasurer, agree to accept installments collected to the date of notice as payment in full. Receipt of such notice by the treasurer shall constitute satisfaction of the payment plan and redemption of the tax certificate. 18473
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(2) During the period beginning on the date a tax certificate is sold under section 5721.33 of the Revised Code and ending on 18487
18488

the date the decree is rendered on the foreclosure proceeding 18489
under division (F) of section 5721.37 of the Revised Code, the 18490
owner of record of the certificate parcel, or any other person 18491
entitled to redeem that parcel, may enter into a redemption 18492
payment plan with the certificate holder and all secured parties 18493
of the certificate holder. The plan shall require the owner or 18494
other person to pay the certificate redemption price for the tax 18495
certificate, an administrative fee not to exceed one hundred 18496
dollars per year, and the actual fees and costs incurred, in 18497
installments, with the final installment due no later than ~~three~~ 18498
six years after the date the tax certificate is sold. The 18499
certificate holder shall give written notice of the plan to the 18500
applicable county treasurer within sixty days after entering into 18501
the plan and written notice of default under the plan within 18502
ninety days after the default. If such a plan is entered into, the 18503
time period for filing a request for foreclosure or a notice of 18504
intent to foreclose under section 5721.37 of the Revised Code is 18505
extended by the length of time the plan is in effect and not in 18506
default. 18507

(D)(1) Immediately upon receipt of full payment under 18508
division (A) or (B) of this section, the county treasurer shall 18509
make an entry to that effect in the tax certificate register, 18510
credit the payment to the tax certificate redemption fund created 18511
in the county treasury, and shall notify ~~each~~ the certificate 18512
holder or holders by ordinary first class or certified mail, 18513
~~return receipt requested,~~ or by binary means that the parcel has 18514
been redeemed and the lien or liens canceled, and that ~~the tax~~ 18515
~~certificates may be redeemed. The county treasurer shall deposit~~ 18516
~~into the tax certificate redemption fund created in the county~~ 18517
~~treasury an amount equal to the total of the certificate~~ 18518
~~redemption prices, together with interest on the certificate~~ 18519
~~purchase price for each tax certificate sold respecting the parcel~~ 18520
~~at the rate of eighteen per cent per year paid under division (B)~~ 18521

~~of this section for the period beginning when the payment was~~ 18522
~~submitted by the certificate holder under division (B) of section~~ 18523
~~5721.37 of the Revised Code and ending when the parcel was~~ 18524
~~redeemed. The payment on the certificate or certificates is~~ 18525
~~forthcoming. The treasurer shall pay the tax certificate holder or~~ 18526
~~holders promptly.~~ 18527

The county treasurer shall administer the tax certificate 18528
redemption fund for the purpose of redeeming tax certificates. 18529
Interest earned on the fund shall be credited to the county 18530
general fund. 18531

(2) If a redemption payment plan is entered into pursuant to 18532
division (C)(1) of this section, the county treasurer immediately 18533
shall notify each certificate holder by ordinary first class or 18534
certified mail, return receipt requested, or by binary means of 18535
the terms of the plan. Installment payments made pursuant to the 18536
plan shall be deposited in the tax certificate redemption fund. 18537
Any overpayment of the installments shall be refunded to the 18538
person responsible for causing the overpayment if the person 18539
applies for a refund under this section. If the person responsible 18540
for causing the overpayment fails to apply for a refund under this 18541
section within five years from the date the plan is satisfied, an 18542
amount equal to the overpayment shall be deposited into the 18543
general fund of the county. 18544

Upon satisfaction of the plan, the county treasurer shall 18545
indicate in the tax certificate register that the plan has been 18546
satisfied, and shall notify each certificate holder by ordinary 18547
first class or certified mail, return receipt requested, or by 18548
binary means that the plan has been satisfied and that ~~tax~~ 18549
~~certificates may be redeemed~~ payment on the certificate or 18550
certificates is forthcoming. The treasurer shall pay each 18551
certificate holder promptly. 18552

If a redemption payment plan becomes void, the county 18553

treasurer ~~immediately~~ shall notify each certificate holder by 18554
ordinary first class or certified mail, ~~return receipt requested~~ 18555
or by binary means. If a certificate holder files a request for 18556
foreclosure under section 5721.37 of the Revised Code, upon the 18557
filing of the request for foreclosure, any money paid under the 18558
plan shall be refunded to the person that paid the money under the 18559
plan. 18560

~~(E) To redeem a tax certificate with respect to which payment 18561
has been made in full under division (A), (B), or (C)(1) of this 18562
section or division (B)(1) of section 5721.37 of the Revised Code,~~ 18563
~~the certificate holder shall present the tax certificate to the 18564
county treasurer, who shall prepare the redemption information. 18565
Upon presentation, the county auditor shall draw a warrant on the 18566
tax certificate redemption fund in the amount of the certificate 18567
redemption price and any applicable interest payable at the rate 18568
of eighteen per cent annually on the certificate under division 18569
(B) of this section. For a parcel that was redeemed under division 18570
(B) of this section, the certificate holder who paid the amounts 18571
under division (B) of section 5721.37 of the Revised Code shall be 18572
reimbursed for those amounts, together with interest at the rate 18573
of eighteen per cent per year on the amount paid under division 18574
(B)(1) of that section for the period beginning when the payment 18575
was submitted by the certificate holder under division (B) of that 18576
section and ending when the parcel was redeemed. The treasurer 18577
shall mark all copies of the tax certificate "redeemed" and return 18578
the certificate to the certificate holder. The canceled 18579
certificate shall serve as a receipt evidencing redemption of the 18580
tax certificate. If a certificate holder fails to redeem a tax 18581
certificate within five years after notice is served under 18582
division (D) of this section that tax certificates may be 18583
redeemed, an amount equal to the certificate redemption price and 18584
any applicable interest payable at the rate of eighteen per cent 18585
annually on the certificate under division (B) of this section 18586~~

~~shall be deposited into the general fund of the county.~~ 18587

18588

(3) Upon receipt of the payment required under division 18589
(B)(1) of section 5721.37 of the Revised Code, the treasurer shall 18590
pay all other certificate holders and indicate in the tax 18591
certificate register that such certificates have been satisfied. 18592

Sec. 5721.381. (A) At any time prior to payment to the county 18593
treasurer by a certificate holder to initiate foreclosure 18594
proceedings under division (B) of section 5721.37 of the Revised 18595
Code, the owner of record of the certificate parcel or any other 18596
person entitled to redeem that parcel may pay the county treasurer 18597
the certificate redemption price for the tax certificate with the 18598
oldest lien against the parcel. Such a payment cancels that lien 18599
and voids the certificate. Upon receipt of the payment, the county 18600
treasurer shall make an entry to that effect in the tax 18601
certificate register, shall deposit the payment to the credit of 18602
the tax certificate redemption fund, and shall notify the 18603
certificate holder by ordinary first class or certified mail or by 18604
binary means that the lien has been canceled and that payment on 18605
the certificate is forthcoming. The treasurer shall pay the holder 18606
of that certificate promptly. 18607

(B) A person who makes a payment to the county treasurer 18608
under division (A) of this section for the tax certificate with 18609
the oldest lien may make additional payments under that division 18610
for other tax certificates related to the parcel, in priority 18611
order based on the earliest date of attachment of the liens. 18612

(C) A property owner or other person shall make, and the 18613
county treasurer shall accept and apply, payments under this 18614
section only in priority order based on the earliest date of 18615
attachment of the liens. 18616

Sec. 5721.39. (A) In its judgment of foreclosure rendered 18617
~~with respect to~~ in actions filed pursuant to section 5721.37 of 18618
the Revised Code, the court shall enter a finding that includes 18619
all of the following with respect to the certificate parcel ~~of~~ 18620
the: 18621

(1) The amount of the sum of the certificate redemption 18622
prices ~~respecting~~ for all the tax certificates sold against the 18623
parcel; ~~interest~~ 18624

(2) Interest on the certificate purchase prices of ~~these~~ all 18625
certificates at the rate of eighteen per cent per year for the 18626
period beginning on the day on which the payment was submitted by 18627
the certificate holder under division (B) of section 5721.37 of 18628
the Revised Code; 18629

(3) The amount paid under division (B)(2) of section 5721.37 18630
of the Revised Code, plus interest at the rate of eighteen per 18631
cent per year for the period beginning on the day the certificate 18632
holder filed a request for foreclosure or a notice of intent to 18633
foreclose under division (A) of that section; ~~any~~ 18634

(4) Any delinquent taxes, assessments, penalties, interest, 18635
~~and charges~~ on the parcel that are not covered by a ~~tax~~ 18636
certificate payment under division (B)(2) of section 5721.37 of 18637
the Revised Code; ~~and fees~~ 18638

(5) Fees and costs incurred in the foreclosure proceeding 18639
instituted against the parcel, including, without limitation, the 18640
fees and costs of the prosecuting attorney represented by the fee 18641
paid under division (B)(3) of section 5721.37 of the Revised Code, 18642
plus interest as provided in division (D)(2)(d) of this section, 18643
or the fees and costs of the private attorney representing the 18644
certificate holder, and charges paid or incurred in procuring 18645
title searches and abstracting services relative to the subject 18646
premises. ~~The~~ 18647

(B) The court may order the certificate parcel to be sold, 18648
without appraisal and as set forth in the prayer of the complaint, 18649
for not less than the amount of its finding, or, in the event ~~that~~ 18650
~~the court finds~~ that the true value of the certificate parcel as 18651
determined by the county auditor is less than the certificate 18652
~~purchase~~ redemption price, the court may, as prayed for in the 18653
complaint, issue a decree transferring fee simple title free and 18654
clear of all subordinate liens to the certificate holder. A decree 18655
of the court transferring fee simple title to the certificate 18656
holder is forever a bar to all rights of redemption with respect 18657
to the certificate parcel. 18658

(C) Each certificate parcel shall be advertised and sold by 18659
the officer to whom the order of sale is directed in the manner 18660
provided by law for the sale of real property on execution. The 18661
advertisement for sale of certificate parcels shall be published 18662
once a week for three consecutive weeks and shall include the date 18663
on which a second sale will be conducted if no bid is accepted at 18664
the first sale. Any number of parcels may be included in one 18665
advertisement. 18666

Whenever the officer charged to conduct the sale offers a 18667
certificate parcel for sale and no bids are made equal to at least 18668
the amount of the court's finding, the officer shall adjourn the 18669
sale of the parcel to the second date that was specified in the 18670
advertisement of sale. The second sale shall be held at the same 18671
place and commence at the same time as set forth in the 18672
advertisement of sale. The officer shall offer any parcel not sold 18673
at the first sale. Upon the conclusion of any sale, or if any 18674
parcel remains unsold after being offered at two sales, the 18675
officer conducting the sale shall report the results to the court. 18676

(D) Upon the confirmation of a sale, the proceeds of the sale 18677
shall be applied as follows: 18678

~~(A)~~(1) The fees and costs incurred in the proceeding filed 18679

against the parcel pursuant to section 5721.37 of the Revised Code 18680
~~, not including shall be paid first, including attorney's fees of~~ 18681
~~the certificate holder's attorney payable under division (F) of~~ 18682
~~that section, or~~ the county prosecutor's costs covered by the fee 18683
paid by the certificate holder under division (B)(3) of that 18684
section, ~~shall be paid first.~~ 18685

~~(B)(2)~~ Following the payment required by division ~~(A)(D)(1)~~ 18686
of this section, the certificate holder that ~~requested the~~ 18687
~~foreclosure~~ filed the notice of intent to foreclose or request for 18688
foreclosure with the county treasurer shall be paid the sum of the 18689
following amounts: 18690

~~(1)(a)~~ The sum of the amount found due for the certificate 18691
redemption prices of all the tax certificates, ~~other than those~~ 18692
~~certificates described in division (B)(1) of section 5721.37 of~~ 18693
~~the Revised Code,~~ that are sold against the parcel ~~to the~~ 18694
~~certificate holder requesting a notice of foreclosure;~~ 18695

~~(2)(b)~~ Any premium paid by the certificate holder at the time 18696
of purchase; 18697

~~(3)(c)~~ Interest on the amounts paid by the certificate holder 18698
under division (B)(1) of section 5721.37 of the Revised Code at 18699
the rate of eighteen per cent per year beginning on the day on 18700
which the payment was submitted by the certificate holder to the 18701
county treasurer and ending on the day immediately preceding the 18702
day on which the proceeds of the foreclosure sale are paid to the 18703
certificate holder; 18704

~~(4)(d)~~ Interest on the amounts paid by the certificate holder 18705
under divisions (B)(2) and (3) of section 5721.37 of the Revised 18706
Code at the rate of eighteen per cent per year beginning on the 18707
day on which the payment was submitted by the certificate holder 18708
under divisions (B)(2) and (3) of that section ~~5721.37 of the~~ 18709
~~Revised Code~~ and ending on the day immediately preceding the day 18710

on which the proceeds of the foreclosure sale are paid to the 18711
certificate holder pursuant to this section, except that such 18712
interest shall not accrue for more than three years if the 18713
certificate was sold under section 5721.32 of the Revised Code, or 18714
under section 5721.42 of the Revised Code by the holder of a 18715
certificate issued under section 5721.32 of the Revised Code, or 18716
more than six years if the certificate was sold under section 18717
5721.33 of the Revised Code, or under section 5721.42 of the 18718
Revised Code by the holder of a certificate issued under section 18719
5721.33 of the Revised Code, after the day the amounts were paid 18720
by the certificate holder under divisions (B)(2) and (3) of 18721
section 5721.37 of the Revised Code ~~if the certificate holder did~~ 18722
~~not submit that payment before the end of that six year period;~~ 18723

~~(5)(e)~~ The amounts paid by the certificate holder under 18724
divisions (B)(1), (2), and (3) of section 5721.37 of the Revised 18725
Code. 18726

~~(C)(3)~~ Following the payment required by division ~~(B)(D)(2)~~ 18727
of this section, any amount due for taxes, assessments, charges, 18728
penalties, and interest not covered by the tax certificate 18729
holder's payment under division (B)(2) of section 5721.37 of the 18730
Revised Code shall be paid, including all taxes, assessments, 18731
charges, penalties, and interest payable subsequent to the entry 18732
of the finding and prior to the transfer of the deed of the parcel 18733
to the purchaser following confirmation of sale. If the proceeds 18734
available for distribution pursuant to this division are 18735
insufficient to pay the entire amount of those taxes, assessments, 18736
charges, penalties, and interest, the proceeds shall be paid to 18737
each claimant in proportion to the amount of those taxes, 18738
assessments, charges, penalties, and interest that each is due, 18739
and those taxes, assessments, charges, penalties, and interest are 18740
deemed satisfied and shall be removed from the tax list and 18741
duplicate. 18742

(4) Any residue of money from proceeds of the sale shall be 18743
disposed of as prescribed by section 5721.20 of the Revised Code. 18744

(E) Unless the parcel previously was redeemed pursuant to 18745
section 5721.25 or 5721.38 of the Revised Code, upon the filing of 18746
the entry of confirmation of sale, the title to the parcel is 18747
incontestable in the purchaser and is free and clear of all liens 18748
and encumbrances, except a federal tax lien, notice of which lien 18749
is properly filed in accordance with section 317.09 of the Revised 18750
Code prior to the date that a foreclosure proceeding is instituted 18751
pursuant to section 5721.37 of the Revised Code, and which lien 18752
was foreclosed in accordance with 28 U.S.C.A. 2410(c), and except 18753
for the easements and covenants of record running with the land or 18754
lots that were created prior to the time the taxes or assessments, 18755
for the nonpayment of which a tax certificate was issued and the 18756
parcel sold at foreclosure, became due and payable. 18757

The title shall not be invalid because of any irregularity, 18758
informality, or omission of any proceedings under this chapter or 18759
in any processes of taxation, if such irregularity, informality, 18760
or omission does not abrogate the provision for notice to holders 18761
of title, lien, or mortgage to, or other interests in, such 18762
foreclosed parcels, as prescribed in this chapter. 18763

Sec. 5721.40. If any tax certificate parcel is twice offered 18764
for sale pursuant to section 5721.39 of the Revised Code and 18765
remains unsold for want of bidders, the officer who conducted the 18766
sales shall certify to the court that the parcel remains unsold 18767
after two sales. The court, by entry, shall order the parcel 18768
forfeited to the certificate holder who filed the request for 18769
foreclosure or notice of intent to foreclose under section 5721.37 18770
of the Revised Code. The clerk of the court shall certify copies 18771
of the court's order to the county treasurer. The county treasurer 18772
shall notify the certificate holder by ordinary and certified 18773

mail, return receipt requested, that the parcel remains unsold, 18774
and shall instruct the certificate holder of the manner in which 18775
the holder shall obtain the deed to the parcel. The officer who 18776
conducted the sales shall prepare and record the deed conveying 18777
title to the parcel to the certificate holder. 18778

Upon transfer of the deed to the certificate holder under 18779
this section, all right, title, claim, and interest in the 18780
certificate parcel are transferred to and vested in the 18781
certificate holder. The title to the parcel is incontestable in 18782
the certificate holder and is free and clear of all liens and 18783
encumbrances, except the following: 18784

(A) A federal tax lien, notice of which was properly filed in 18785
accordance with section 317.09 of the Revised Code prior to the 18786
date that the foreclosure proceeding was instituted under section 18787
5721.37 of the Revised Code and which was foreclosed in accordance 18788
with 28 U.S.C. 2410(c); 18789

(B) Easements and covenants of record running with the land 18790
that were created prior to the time the taxes or assessments, for 18791
the nonpayment of which a tax certificate was issued, became due 18792
and payable. 18793

Sec. 5721.41. ~~Interest~~ All interest required under sections 18794
5721.30 to 5721.43 of the Revised Code is simple interest, to be 18795
calculated on a principal amount and not compounded on earned 18796
interest. The interest charged shall equal one-twelfth of the 18797
annual interest rate multiplied by the principal amount. Interest 18798
charges under those sections shall accrue on a monthly basis, on 18799
the first day of the month following the beginning of the period 18800
during which interest accrues and on the first day of each 18801
subsequent month. Notwithstanding the preceding sentence, the six 18802
per cent charge described in division (E)(1)(b) of section 5721.30 18803
of the Revised Code shall apply even if the tax certificate is 18804

redeemed before the first day of the month following the date that 18805
the certificate is purchased. 18806

Sec. 5721.42. ~~Not less than sixty nor more than ninety days~~ 18807
~~following the date set by~~ After the settlement required under 18808
division (C) of section 323.12 or 323.17 321.24 of the Revised 18809
~~Code for the payment of the second installment of current taxes,~~ 18810
the county treasurer shall notify the certificate holder of the 18811
most recently issued tax certificate, by ordinary first class or 18812
certified mail or by binary means, that the certificate holder may 18813
~~pay~~ purchase a subsequent tax certificate by paying all delinquent 18814
~~taxes, assessments, penalties, interest, and charges~~ on the 18815
related certificate parcel, the lien against which has not been 18816
transferred by the sale of a tax certificate. During the thirty 18817
days after receiving the notice, the certificate holder possesses 18818
the exclusive right to purchase the subsequent tax certificate by 18819
paying those amounts to the county treasurer. The amount of the 18820
payment shall constitute a separate lien against the certificate 18821
parcel that shall be evidenced by the issuance by the treasurer to 18822
the certificate holder of an additional tax certificate with 18823
respect to the delinquent taxes, ~~assessments, penalties, interest,~~ 18824
~~and fees~~ so paid on the related certificate parcel. The amount of 18825
the payment as set forth in the tax certificate shall earn 18826
interest at the rate of eighteen per cent per year. 18827

18828

Sec. 5721.43. (A) ~~No~~ Without the prior written consent of the 18829
county treasurer, no person shall directly, through an agent, or 18830
otherwise, initiate contact with the owner of a parcel with 18831
respect to which the person holds a tax certificate to encourage 18832
or demand payment before one year has elapsed following the 18833
purchase of the certificate. 18834

(B) A county treasurer may bar any person who violates 18835

division (A) of this section from bidding at a tax certificate 18836
sale conducted by the treasurer. 18837

(C)(1) The attorney general or county prosecuting attorney, 18838
upon written request of a county treasurer, shall bring an action 18839
for an injunction against any person who has violated, is 18840
violating, or is threatening to violate division (A) of this 18841
section. 18842

(2) Any person who violates division (A) of this section 18843
shall be assessed a civil penalty of not more than five thousand 18844
dollars for each offense to be paid into the state treasury to the 18845
credit of the general revenue fund. Upon written request of a 18846
county treasurer, the attorney general or county prosecuting 18847
attorney shall commence an action against any such violator. Any 18848
action under this division is a civil action, governed by the 18849
Rules of Civil Procedure and other rules of practice and procedure 18850
applicable to civil actions. 18851

Sec. 5727.85. (A) By the thirty-first day of July of each 18852
year, beginning in 2002 and ending in 2016, the department of 18853
education shall determine the following for each school district 18854
and each joint vocational school district ~~eligible for payment~~ 18855
~~under division (C) or (D) of this section:~~ 18856

(1) The state education aid offset, which is the difference 18857
obtained by subtracting the amount described in division (A)(1)(b) 18858
of this section from the amount described in division (A)(1)(a) of 18859
this section: 18860

(a) The state education aid computed for the school district 18861
or joint vocational school district for the current fiscal year as 18862
of the thirty-first day of July; 18863

(b) The state education aid that would be computed for the 18864
school district or joint vocational school district for the 18865

current fiscal year as of the thirty-first day of July if the 18866
recognized valuation included the tax value loss for the school 18867
district or joint vocational school district. 18868

(2) The greater of zero or the difference obtained by 18869
subtracting the state education aid offset determined under 18870
division (A)(1) of this section from the fixed-rate levy loss 18871
certified under division (J) of section 5727.84 of the Revised 18872
Code for all taxing districts in each school district and joint 18873
vocational school district. 18874

By the fifth day of August of each such year, the department 18875
of education shall certify the amount so determined under division 18876
(A)(1) of this section to the director of budget and management. 18877

(B) Not later than the thirty-first day of October of the 18878
years 2006 through 2016, the department of education shall 18879
determine all of the following for each school district: 18880

(1) The amount obtained by subtracting the district's state 18881
education aid computed for fiscal year 2002 from the district's 18882
state education aid computed for the current fiscal year as of the 18883
fifteenth day of July, by including in the definition of 18884
recognized valuation the machinery and equipment, inventory, 18885
furniture and fixtures, and telephone property tax value losses, 18886
as defined in section 5751.20 of the Revised Code, for the school 18887
district or joint vocational school district for the preceding tax 18888
year; 18889

(2) The inflation-adjusted property tax loss. The 18890
inflation-adjusted property tax loss equals the fixed-rate levy 18891
loss, excluding the tax loss from levies within the ten-mill 18892
limitation to pay debt charges, determined under division (G) of 18893
section 5727.84 of the Revised Code for all taxing districts in 18894
each school district, plus the product obtained by multiplying 18895
that loss by the cumulative percentage increase in the consumer 18896

price index from January 1, 2002, to the thirtieth day of June of 18897
the current year. 18898

(3) The difference obtained by subtracting the amount 18899
computed under division (B)(1) from the amount of the 18900
inflation-adjusted property tax loss. If this difference is zero 18901
or a negative number, no further payments shall be made under 18902
division (C) of this section to the school district from the 18903
school district property tax replacement fund. 18904

(C) The department of education shall pay from the school 18905
district property tax replacement fund to each school district all 18906
of the following: 18907

(1) In February 2002, one-half of the fixed-rate levy loss 18908
certified under division (J) of section 5727.84 of the Revised 18909
Code between the twenty-first and twenty-eighth days of February. 18910

(2) From August 2002 through August 2017, one-half of the 18911
amount calculated for that fiscal year under division (A)(2) of 18912
this section between the twenty-first and twenty-eighth days of 18913
August and of February, provided the difference computed under 18914
division (B)(3) of this section is not less than or equal to zero. 18915

For taxes levied within the ten-mill limitation for debt 18916
purposes in tax year 1998 in the case of electric company tax 18917
value losses, and in tax year 1999 in the case of natural gas 18918
company tax value losses, payments shall be made equal to one 18919
hundred per cent of the loss computed as if the tax were a 18920
fixed-rate levy, but those payments shall extend from fiscal year 18921
2006 through fiscal year 2016. 18922

The department of education shall report to each school 18923
district the apportionment of the payments among the school 18924
district's funds based on the certifications under division (J) of 18925
section 5727.84 of the Revised Code. 18926

(D) Not later than January 1, 2002, for all taxing districts 18927

in each joint vocational school district, the tax commissioner 18928
shall certify to the department of education the fixed-rate levy 18929
loss determined under division (G) of section 5727.84 of the 18930
Revised Code. From February 2002 to August 2016, the department 18931
shall pay from the school district property tax replacement fund 18932
to the joint vocational school district one-half of the amount 18933
calculated for that fiscal year under division (A)(2) of this 18934
section between the twenty-first and twenty-eighth days of August 18935
and of February. 18936

(E)(1) Not later than January 1, 2002, for each fixed-sum 18937
levy levied by each school district or joint vocational school 18938
district and for each year for which a determination is made under 18939
division (H) of section 5727.84 of the Revised Code that a 18940
fixed-sum levy loss is to be reimbursed, the tax commissioner 18941
shall certify to the department of education the fixed-sum levy 18942
loss determined under that division. The certification shall cover 18943
a time period sufficient to include all fixed-sum levies for which 18944
the tax commissioner made such a determination. The department 18945
shall pay from the school district property tax replacement fund 18946
to the school district or joint vocational school district 18947
one-half of the fixed-sum levy loss so certified for each year 18948
between the twenty-first and twenty-eighth days of August and of 18949
February. 18950

(2) Beginning in 2003, by the thirty-first day of January of 18951
each year, the tax commissioner shall review the certification 18952
originally made under division (E)(1) of this section. If the 18953
commissioner determines that a debt levy that had been scheduled 18954
to be reimbursed in the current year has expired, a revised 18955
certification for that and all subsequent years shall be made to 18956
the department of education. 18957

(F) If the balance of the half-mill equalization fund created 18958
under section 3318.18 of the Revised Code is insufficient to make 18959

the full amount of payments required under division (D) of that 18960
section, the department of education, at the end of the third 18961
quarter of the fiscal year, shall certify to the director of 18962
budget and management the amount of the deficiency, and the 18963
director shall transfer an amount equal to the deficiency from the 18964
school district property tax replacement fund to the half-mill 18965
equalization fund. 18966

(G) Beginning in August 2002, and ending in May 2017, the 18967
director of budget and management shall transfer from the school 18968
district property tax replacement fund to the general revenue fund 18969
each of the following: 18970

(1) Between the twenty-eighth day of August and the fifth day 18971
of September, the lesser of one-half of the amount certified for 18972
that fiscal year under division (A)(2) of this section or the 18973
balance in the school district property tax replacement fund; 18974

(2) Between the first and fifth days of May, the lesser of 18975
one-half of the amount certified for that fiscal year under 18976
division (A)(2) of this section or the balance in the school 18977
district property tax replacement fund. 18978

(H) On the first day of June each year, the director of 18979
budget and management shall transfer any balance remaining in the 18980
school district property tax replacement fund after the payments 18981
have been made under divisions (C), (D), (E), (F), and (G) of this 18982
section to the half-mill equalization fund created under section 18983
3318.18 of the Revised Code to the extent required to make any 18984
payments in the current fiscal year under that section, and shall 18985
transfer the remaining balance to the general revenue fund. 18986

(I) From fiscal year 2002 through fiscal year 2016, if the 18987
total amount in the school district property tax replacement fund 18988
is insufficient to make all payments under divisions (C), (D), 18989
(E), and (F) of this section at the time the payments are to be 18990

made, the director of budget and management shall transfer from 18991
the general revenue fund to the school district property tax 18992
replacement fund the difference between the total amount to be 18993
paid and the total amount in the school district property tax 18994
replacement fund, except that no transfer shall be made by reason 18995
of a deficiency to the extent that it results from the amendment 18996
of section 5727.84 of the Revised Code by Amended Substitute House 18997
Bill No. 95 of the 125th general assembly. 18998

(J) If all of the territory of a school district or joint 18999
vocational school district is merged with an existing district, or 19000
if a part of the territory of a school district or joint 19001
vocational school district is transferred to an existing or new 19002
district, the department of education, in consultation with the 19003
tax commissioner, shall adjust the payments made under this 19004
section as follows: 19005

(1) For the merger of all of the territory of two or more 19006
districts, the fixed-rate levy loss and the fixed-sum levy loss of 19007
the successor district shall be equal to the sum of the fixed-rate 19008
levy losses and the fixed-sum levy losses for each of the 19009
districts involved in the merger. 19010

(2) For the transfer of a part of one district's territory to 19011
an existing district, the amount of the fixed-rate levy loss that 19012
is transferred to the recipient district shall be an amount equal 19013
to the transferring district's total fixed-rate levy loss times a 19014
fraction, the numerator of which is the value of electric company 19015
tangible personal property located in the part of the territory 19016
that was transferred, and the denominator of which is the total 19017
value of electric company tangible personal property located in 19018
the entire district from which the territory was transferred. The 19019
value of electric company tangible personal property under this 19020
division shall be determined for the most recent year for which 19021
data is available. Fixed-sum levy losses for both districts shall 19022

be determined under division (J)(4) of this section. 19023

(3) For the transfer of a part of the territory of one or 19024
more districts to create a new district: 19025

(a) If the new district is created on or after January 1, 19026
2000, but before January 1, 2005, the new district shall be paid 19027
its current fixed-rate levy loss through August 2009. From 19028
February 2010 to August 2016, the new district shall be paid the 19029
lesser of: (i) the amount calculated under division (C)(2) of this 19030
section or (ii) an amount equal to the new district's fixed-rate 19031
levy loss multiplied by the percentage prescribed by the following 19032
schedule: 19033

YEAR	PERCENTAGE	
2010	70%	19034
2011	70%	19035
2012	60%	19036
2013	50%	19037
2014	40%	19038
2015	24%	19039
2016	11.5%	19040
2017 and thereafter	0%	19041

Fixed-sum levy losses for the districts shall be determined 19043
under division (J)(4) of this section. 19044

(b) If the new district is created on or after January 1, 19045
2005, the new district shall be deemed not to have any fixed-rate 19046
levy loss or, except as provided in division (J)(4) of this 19047
section, fixed-sum levy loss. The district or districts from which 19048
the territory was transferred shall have no reduction in their 19049
fixed-rate levy loss, or, except as provided in division (J)(4) of 19050
this section, their fixed-sum levy loss. 19051

(4) If a recipient district under division (J)(2) of this 19052
section or a new district under division (J)(3)(a) or (b) of this 19053

section takes on debt from one or more of the districts from which 19054
territory was transferred, and any of the districts transferring 19055
the territory had fixed-sum levy losses, the department of 19056
education, in consultation with the tax commissioner, shall make 19057
an equitable division of the fixed-sum levy losses. 19058

(K) There is hereby created the public utility property tax 19059
study committee, effective January 1, 2011. The committee shall 19060
consist of the following seven members: the tax commissioner, 19061
three members of the senate appointed by the president of the 19062
senate, and three members of the house of representatives 19063
appointed by the speaker of the house of representatives. The 19064
appointments shall be made not later than January 31, 2011. The 19065
tax commissioner shall be the chairperson of the committee. 19066

The committee shall study the extent to which each school 19067
district or joint vocational school district has been compensated, 19068
under sections 5727.84 and 5727.85 of the Revised Code as enacted 19069
by Substitute Senate Bill No. 3 of the 123rd general assembly and 19070
any subsequent acts, for the property tax loss caused by the 19071
reduction in the assessment rates for natural gas, electric, and 19072
rural electric company tangible personal property. Not later than 19073
June 30, 2011, the committee shall issue a report of its findings, 19074
including any recommendations for providing additional 19075
compensation for the property tax loss or regarding remedial 19076
legislation, to the president of the senate and the speaker of the 19077
house of representatives, at which time the committee shall cease 19078
to exist. 19079

The department of taxation and department of education shall 19080
provide such information and assistance as is required for the 19081
committee to carry out its duties. 19082

Sec. 5739.01. As used in this chapter: 19083

(A) "Person" includes individuals, receivers, assignees, 19084

trustees in bankruptcy, estates, firms, partnerships, 19085
associations, joint-stock companies, joint ventures, clubs, 19086
societies, corporations, the state and its political subdivisions, 19087
and combinations of individuals of any form. 19088

(B) "Sale" and "selling" include all of the following 19089
transactions for a consideration in any manner, whether absolutely 19090
or conditionally, whether for a price or rental, in money or by 19091
exchange, and by any means whatsoever: 19092

(1) All transactions by which title or possession, or both, 19093
of tangible personal property, is or is to be transferred, or a 19094
license to use or consume tangible personal property is or is to 19095
be granted; 19096

(2) All transactions by which lodging by a hotel is or is to 19097
be furnished to transient guests; 19098

(3) All transactions by which: 19099

(a) An item of tangible personal property is or is to be 19100
repaired, except property, the purchase of which would not be 19101
subject to the tax imposed by section 5739.02 of the Revised Code; 19102

(b) An item of tangible personal property is or is to be 19103
installed, except property, the purchase of which would not be 19104
subject to the tax imposed by section 5739.02 of the Revised Code 19105
or property that is or is to be incorporated into and will become 19106
a part of a production, transmission, transportation, or 19107
distribution system for the delivery of a public utility service; 19108

(c) The service of washing, cleaning, waxing, polishing, or 19109
painting a motor vehicle is or is to be furnished; 19110

(d) Until August 1, 2003, industrial laundry cleaning 19111
services are or are to be provided and, on and after August 1, 19112
2003, laundry and dry cleaning services are or are to be provided; 19113

(e) Automatic data processing, computer services, or 19114

electronic information services are or are to be provided for use 19115
in business when the true object of the transaction is the receipt 19116
by the consumer of automatic data processing, computer services, 19117
or electronic information services rather than the receipt of 19118
personal or professional services to which automatic data 19119
processing, computer services, or electronic information services 19120
are incidental or supplemental. Notwithstanding any other 19121
provision of this chapter, such transactions that occur between 19122
members of an affiliated group are not sales. An "affiliated 19123
group" means two or more persons related in such a way that one 19124
person owns or controls the business operation of another member 19125
of the group. In the case of corporations with stock, one 19126
corporation owns or controls another if it owns more than fifty 19127
per cent of the other corporation's common stock with voting 19128
rights. 19129

(f) Telecommunications service, including prepaid calling 19130
service, prepaid wireless calling service, or ancillary service, 19131
is or is to be provided, but not including coin-operated telephone 19132
service; 19133

(g) Landscaping and lawn care service is or is to be 19134
provided; 19135

(h) Private investigation and security service is or is to be 19136
provided; 19137

(i) Information services or tangible personal property is 19138
provided or ordered by means of a nine hundred telephone call; 19139

(j) Building maintenance and janitorial service is or is to 19140
be provided; 19141

(k) Employment service is or is to be provided; 19142

(l) Employment placement service is or is to be provided; 19143

(m) Exterminating service is or is to be provided; 19144

(n) Physical fitness facility service is or is to be provided;	19145 19146
(o) Recreation and sports club service is or is to be provided;	19147 19148
(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided;	19149 19150
(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.	19151 19152 19153 19154 19155 19156 19157 19158
(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;	19159 19160 19161 19162 19163 19164 19165 19166
(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.	19167 19168 19169 19170
(t) On and after August 1, 2003, snow removal service is or is to be provided. As used in this division, "snow removal service" means the removal of snow by any mechanized means, but does not include the providing of such service by a person that has less than five thousand dollars in sales of such service	19171 19172 19173 19174 19175

during the calendar year. 19176

(u) Electronic publishing service is or is to be provided to 19177
a consumer for use in business, except that such transactions 19178
occurring between members of an affiliated group, as defined in 19179
division (B)(3)(e) of this section, are not sales. 19180

(4) All transactions by which printed, imprinted, 19181
overprinted, lithographic, multilithic, blueprinted, photostatic, 19182
or other productions or reproductions of written or graphic matter 19183
are or are to be furnished or transferred; 19184

(5) The production or fabrication of tangible personal 19185
property for a consideration for consumers who furnish either 19186
directly or indirectly the materials used in the production of 19187
fabrication work; and include the furnishing, preparing, or 19188
serving for a consideration of any tangible personal property 19189
consumed on the premises of the person furnishing, preparing, or 19190
serving such tangible personal property. Except as provided in 19191
section 5739.03 of the Revised Code, a construction contract 19192
pursuant to which tangible personal property is or is to be 19193
incorporated into a structure or improvement on and becoming a 19194
part of real property is not a sale of such tangible personal 19195
property. The construction contractor is the consumer of such 19196
tangible personal property, provided that the sale and 19197
installation of carpeting, the sale and installation of 19198
agricultural land tile, the sale and erection or installation of 19199
portable grain bins, or the provision of landscaping and lawn care 19200
service and the transfer of property as part of such service is 19201
never a construction contract. 19202

As used in division (B)(5) of this section: 19203

(a) "Agricultural land tile" means fired clay or concrete 19204
tile, or flexible or rigid perforated plastic pipe or tubing, 19205
incorporated or to be incorporated into a subsurface drainage 19206

system appurtenant to land used or to be used directly in 19207
production by farming, agriculture, horticulture, or floriculture. 19208
The term does not include such materials when they are or are to 19209
be incorporated into a drainage system appurtenant to a building 19210
or structure even if the building or structure is used or to be 19211
used in such production. 19212

(b) "Portable grain bin" means a structure that is used or to 19213
be used by a person engaged in farming or agriculture to shelter 19214
the person's grain and that is designed to be disassembled without 19215
significant damage to its component parts. 19216

(6) All transactions in which all of the shares of stock of a 19217
closely held corporation are transferred, if the corporation is 19218
not engaging in business and its entire assets consist of boats, 19219
planes, motor vehicles, or other tangible personal property 19220
operated primarily for the use and enjoyment of the shareholders; 19221

(7) All transactions in which a warranty, maintenance or 19222
service contract, or similar agreement by which the vendor of the 19223
warranty, contract, or agreement agrees to repair or maintain the 19224
tangible personal property of the consumer is or is to be 19225
provided; 19226

(8) The transfer of copyrighted motion picture films used 19227
solely for advertising purposes, except that the transfer of such 19228
films for exhibition purposes is not a sale; 19229

(9) On and after August 1, 2003, all transactions by which 19230
tangible personal property is or is to be stored, except such 19231
property that the consumer of the storage holds for sale in the 19232
regular course of business; 19233

(10) All transactions in which "guaranteed auto protection" 19234
is provided whereby a person promises to pay to the consumer the 19235
difference between the amount the consumer receives from motor 19236
vehicle insurance and the amount the consumer owes to a person 19237

holding title to or a lien on the consumer's motor vehicle in the 19238
event the consumer's motor vehicle suffers a total loss under the 19239
terms of the motor vehicle insurance policy or is stolen and not 19240
recovered, if the protection and its price are included in the 19241
purchase or lease agreement. 19242

Except as provided in this section, "sale" and "selling" do 19243
not include transfers of interest in leased property where the 19244
original lessee and the terms of the original lease agreement 19245
remain unchanged, or professional, insurance, or personal service 19246
transactions that involve the transfer of tangible personal 19247
property as an inconsequential element, for which no separate 19248
charges are made. 19249

(C) "Vendor" means the person providing the service or by 19250
whom the transfer effected or license given by a sale is or is to 19251
be made or given and, for sales described in division (B)(3)(i) of 19252
this section, the telecommunications service vendor that provides 19253
the nine hundred telephone service; if two or more persons are 19254
engaged in business at the same place of business under a single 19255
trade name in which all collections on account of sales by each 19256
are made, such persons shall constitute a single vendor. 19257

Physicians, dentists, hospitals, and veterinarians who are 19258
engaged in selling tangible personal property as received from 19259
others, such as eyeglasses, mouthwashes, dentifrices, or similar 19260
articles, are vendors. Veterinarians who are engaged in 19261
transferring to others for a consideration drugs, the dispensing 19262
of which does not require an order of a licensed veterinarian or 19263
physician under federal law, are vendors. 19264

(D)(1) "Consumer" means the person for whom the service is 19265
provided, to whom the transfer effected or license given by a sale 19266
is or is to be made or given, to whom the service described in 19267
division (B)(3)(f) or (i) of this section is charged, or to whom 19268
the admission is granted. 19269

(2) Physicians, dentists, hospitals, and blood banks operated 19270
by nonprofit institutions and persons licensed to practice 19271
veterinary medicine, surgery, and dentistry are consumers of all 19272
tangible personal property and services purchased by them in 19273
connection with the practice of medicine, dentistry, the rendition 19274
of hospital or blood bank service, or the practice of veterinary 19275
medicine, surgery, and dentistry. In addition to being consumers 19276
of drugs administered by them or by their assistants according to 19277
their direction, veterinarians also are consumers of drugs that 19278
under federal law may be dispensed only by or upon the order of a 19279
licensed veterinarian or physician, when transferred by them to 19280
others for a consideration to provide treatment to animals as 19281
directed by the veterinarian. 19282

(3) A person who performs a facility management, or similar 19283
service contract for a contractee is a consumer of all tangible 19284
personal property and services purchased for use in connection 19285
with the performance of such contract, regardless of whether title 19286
to any such property vests in the contractee. The purchase of such 19287
property and services is not subject to the exception for resale 19288
under division (E)(1) of this section. 19289

(4)(a) In the case of a person who purchases printed matter 19290
for the purpose of distributing it or having it distributed to the 19291
public or to a designated segment of the public, free of charge, 19292
that person is the consumer of that printed matter, and the 19293
purchase of that printed matter for that purpose is a sale. 19294

(b) In the case of a person who produces, rather than 19295
purchases, printed matter for the purpose of distributing it or 19296
having it distributed to the public or to a designated segment of 19297
the public, free of charge, that person is the consumer of all 19298
~~tangible~~ tangible personal property and services purchased for use 19299
or consumption in the production of that printed matter. That 19300
person is not entitled to claim exemption under division 19301

(B)(42)(f) of section 5739.02 of the Revised Code for any material 19302
incorporated into the printed matter or any equipment, supplies, 19303
or services primarily used to produce the printed matter. 19304

19305

(c) The distribution of printed matter to the public or to a 19306
designated segment of the public, free of charge, is not a sale to 19307
the members of the public to whom the printed matter is 19308
distributed or to any persons who purchase space in the printed 19309
matter for advertising or other purposes. 19310

(5) A person who makes sales of any of the services listed in 19311
division (B)(3) of this section is the consumer of any tangible 19312
personal property used in performing the service. The purchase of 19313
that property is not subject to the resale exception under 19314
division (E)(1) of this section. 19315

(6) A person who engages in highway transportation for hire 19316
is the consumer of all packaging materials purchased by that 19317
person and used in performing the service, except for packaging 19318
materials sold by such person in a transaction separate from the 19319
service. 19320

(E) "Retail sale" and "sales at retail" include all sales, 19321
except those in which the purpose of the consumer is to resell the 19322
thing transferred or benefit of the service provided, by a person 19323
engaging in business, in the form in which the same is, or is to 19324
be, received by the person. 19325

(F) "Business" includes any activity engaged in by any person 19326
with the object of gain, benefit, or advantage, either direct or 19327
indirect. "Business" does not include the activity of a person in 19328
managing and investing the person's own funds. 19329

(G) "Engaging in business" means commencing, conducting, or 19330
continuing in business, and liquidating a business when the 19331
liquidator thereof holds itself out to the public as conducting 19332

such business. Making a casual sale is not engaging in business. 19333

(H)(1)(a) "Price," except as provided in divisions (H)(2) and 19334
(3) of this section, means the total amount of consideration, 19335
including cash, credit, property, and services, for which tangible 19336
personal property or services are sold, leased, or rented, valued 19337
in money, whether received in money or otherwise, without any 19338
deduction for any of the following: 19339

(i) The vendor's cost of the property sold; 19340

(ii) The cost of materials used, labor or service costs, 19341
interest, losses, all costs of transportation to the vendor, all 19342
taxes imposed on the vendor, including the tax imposed under 19343
Chapter 5751. of the Revised Code, and any other expense of the 19344
vendor; 19345

(iii) Charges by the vendor for any services necessary to 19346
complete the sale; 19347

(iv) On and after August 1, 2003, delivery charges. As used 19348
in this division, "delivery charges" means charges by the vendor 19349
for preparation and delivery to a location designated by the 19350
consumer of tangible personal property or a service, including 19351
transportation, shipping, postage, handling, crating, and packing. 19352

(v) Installation charges; 19353

(vi) Credit for any trade-in. 19354

(b) "Price" includes consideration received by the vendor 19355
from a third party, if the vendor actually receives the 19356
consideration from a party other than the consumer, and the 19357
consideration is directly related to a price reduction or discount 19358
on the sale; the vendor has an obligation to pass the price 19359
reduction or discount through to the consumer; the amount of the 19360
consideration attributable to the sale is fixed and determinable 19361
by the vendor at the time of the sale of the item to the consumer; 19362

and one of the following criteria is met: 19363

(i) The consumer presents a coupon, certificate, or other 19364
document to the vendor to claim a price reduction or discount 19365
where the coupon, certificate, or document is authorized, 19366
distributed, or granted by a third party with the understanding 19367
that the third party will reimburse any vendor to whom the coupon, 19368
certificate, or document is presented; 19369

(ii) The consumer identifies the consumer's self to the 19370
seller as a member of a group or organization entitled to a price 19371
reduction or discount. A preferred customer card that is available 19372
to any patron does not constitute membership in such a group or 19373
organization. 19374

(iii) The price reduction or discount is identified as a 19375
third party price reduction or discount on the invoice received by 19376
the consumer, or on a coupon, certificate, or other document 19377
presented by the consumer. 19378

(c) "Price" does not include any of the following: 19379

(i) Discounts, including cash, term, or coupons that are not 19380
reimbursed by a third party that are allowed by a vendor and taken 19381
by a consumer on a sale; 19382

(ii) Interest, financing, and carrying charges from credit 19383
extended on the sale of tangible personal property or services, if 19384
the amount is separately stated on the invoice, bill of sale, or 19385
similar document given to the purchaser; 19386

(iii) Any taxes legally imposed directly on the consumer that 19387
are separately stated on the invoice, bill of sale, or similar 19388
document given to the consumer. For the purpose of this division, 19389
the tax imposed under Chapter 5751. of the Revised Code is not a 19390
tax directly on the consumer, even if the tax or a portion thereof 19391
is separately stated. 19392

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

(3) In the case of a sale of any watercraft or outboard motor by a watercraft dealer licensed in accordance with section 1547.543 of the Revised Code, in which another watercraft, watercraft and trailer, or outboard motor is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the watercraft, watercraft and trailer, or outboard motor received in trade. As used in this division, "watercraft" includes an outdrive unit attached to the watercraft.

(I) "Receipts" means the total amount of the prices of the sales of vendors, provided that cash discounts allowed and taken on sales at the time they are consummated are not included, minus any amount deducted as a bad debt pursuant to section 5739.121 of the Revised Code. "Receipts" does not include the sale price of property returned or services rejected by consumers when the full sale price and tax are refunded either in cash or by credit.

(J) "Place of business" means any location at which a person engages in business.

(K) "Premises" includes any real property or portion thereof

upon which any person engages in selling tangible personal 19424
property at retail or making retail sales and also includes any 19425
real property or portion thereof designated for, or devoted to, 19426
use in conjunction with the business engaged in by such person. 19427

(L) "Casual sale" means a sale of an item of tangible 19428
personal property that was obtained by the person making the sale, 19429
through purchase or otherwise, for the person's own use and was 19430
previously subject to any state's taxing jurisdiction on its sale 19431
or use, and includes such items acquired for the seller's use that 19432
are sold by an auctioneer employed directly by the person for such 19433
purpose, provided the location of such sales is not the 19434
auctioneer's permanent place of business. As used in this 19435
division, "permanent place of business" includes any location 19436
where such auctioneer has conducted more than two auctions during 19437
the year. 19438

(M) "Hotel" means every establishment kept, used, maintained, 19439
advertised, or held out to the public to be a place where sleeping 19440
accommodations are offered to guests, in which five or more rooms 19441
are used for the accommodation of such guests, whether the rooms 19442
are in one or several structures. 19443

(N) "Transient guests" means persons occupying a room or 19444
rooms for sleeping accommodations for less than thirty consecutive 19445
days. 19446

(O) "Making retail sales" means the effecting of transactions 19447
wherein one party is obligated to pay the price and the other 19448
party is obligated to provide a service or to transfer title to or 19449
possession of the item sold. "Making retail sales" does not 19450
include the preliminary acts of promoting or soliciting the retail 19451
sales, other than the distribution of printed matter which 19452
displays or describes and prices the item offered for sale, nor 19453
does it include delivery of a predetermined quantity of tangible 19454
personal property or transportation of property or personnel to or 19455

from a place where a service is performed, regardless of whether 19456
the vendor is a delivery vendor. 19457

(P) "Used directly in the rendition of a public utility 19458
service" means that property that is to be incorporated into and 19459
will become a part of the consumer's production, transmission, 19460
transportation, or distribution system and that retains its 19461
classification as tangible personal property after such 19462
incorporation; fuel or power used in the production, transmission, 19463
transportation, or distribution system; and tangible personal 19464
property used in the repair and maintenance of the production, 19465
transmission, transportation, or distribution system, including 19466
only such motor vehicles as are specially designed and equipped 19467
for such use. Tangible personal property and services used 19468
primarily in providing highway transportation for hire are not 19469
used directly in the rendition of a public utility service. In 19470
this definition, "public utility" includes a citizen of the United 19471
States holding, and required to hold, a certificate of public 19472
convenience and necessity issued under 49 U.S.C. 41102. 19473

(Q) "Refining" means removing or separating a desirable 19474
product from raw or contaminated materials by distillation or 19475
physical, mechanical, or chemical processes. 19476

(R) "Assembly" and "assembling" mean attaching or fitting 19477
together parts to form a product, but do not include packaging a 19478
product. 19479

(S) "Manufacturing operation" means a process in which 19480
materials are changed, converted, or transformed into a different 19481
state or form from which they previously existed and includes 19482
refining materials, assembling parts, and preparing raw materials 19483
and parts by mixing, measuring, blending, or otherwise committing 19484
such materials or parts to the manufacturing process. 19485
"Manufacturing operation" does not include packaging. 19486

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners.

(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.

(Y)(1)(a) "Automatic data processing" means processing of

others' data, including keypunching or similar data entry services 19518
together with verification thereof, or providing access to 19519
computer equipment for the purpose of processing data. 19520

(b) "Computer services" means providing services consisting 19521
of specifying computer hardware configurations and evaluating 19522
technical processing characteristics, computer programming, and 19523
training of computer programmers and operators, provided in 19524
conjunction with and to support the sale, lease, or operation of 19525
taxable computer equipment or systems. 19526

(c) "Electronic information services" means providing access 19527
to computer equipment by means of telecommunications equipment for 19528
the purpose of either of the following: 19529

(i) Examining or acquiring data stored in or accessible to 19530
the computer equipment; 19531

(ii) Placing data into the computer equipment to be retrieved 19532
by designated recipients with access to the computer equipment. 19533

For transactions occurring on or after the effective date of 19534
the amendment of this section by H.B. 157 of the 127th general 19535
assembly, December 21, 2007, "electronic information services" 19536
does not include electronic publishing as defined in division 19537
(LLL) of this section. 19538

(d) "Automatic data processing, computer services, or 19539
electronic information services" shall not include personal or 19540
professional services. 19541

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 19542
section, "personal and professional services" means all services 19543
other than automatic data processing, computer services, or 19544
electronic information services, including but not limited to: 19545

(a) Accounting and legal services such as advice on tax 19546
matters, asset management, budgetary matters, quality control, 19547

information security, and auditing and any other situation where	19548
the service provider receives data or information and studies,	19549
alters, analyzes, interprets, or adjusts such material;	19550
(b) Analyzing business policies and procedures;	19551
(c) Identifying management information needs;	19552
(d) Feasibility studies, including economic and technical	19553
analysis of existing or potential computer hardware or software	19554
needs and alternatives;	19555
(e) Designing policies, procedures, and custom software for	19556
collecting business information, and determining how data should	19557
be summarized, sequenced, formatted, processed, controlled, and	19558
reported so that it will be meaningful to management;	19559
(f) Developing policies and procedures that document how	19560
business events and transactions are to be authorized, executed,	19561
and controlled;	19562
(g) Testing of business procedures;	19563
(h) Training personnel in business procedure applications;	19564
(i) Providing credit information to users of such information	19565
by a consumer reporting agency, as defined in the "Fair Credit	19566
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or	19567
as hereafter amended, including but not limited to gathering,	19568
organizing, analyzing, recording, and furnishing such information	19569
by any oral, written, graphic, or electronic medium;	19570
(j) Providing debt collection services by any oral, written,	19571
graphic, or electronic means.	19572
The services listed in divisions (Y)(2)(a) to (j) of this	19573
section are not automatic data processing or computer services.	19574
(Z) "Highway transportation for hire" means the	19575
transportation of personal property belonging to others for	19576
consideration by any of the following:	19577

(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;

(b) Installation or maintenance of wiring or equipment on a customer's premises;	19609 19610
(c) Tangible personal property;	19611
(d) Advertising, including directory advertising;	19612
(e) Billing and collection services provided to third parties;	19613 19614
(f) Internet access service;	19615
(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;	19616 19617 19618 19619 19620 19621 19622 19623
(h) Ancillary service;	19624
(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.	19625 19626
(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:	19627 19628 19629 19630 19631
(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. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.	19632 19633 19634 19635 19636
(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to	19637 19638

individual calls on a customer's billing statement. 19639

(c) "Directory assistance" means an ancillary service of 19640
providing telephone number or address information. 19641

(d) "Vertical service" means an ancillary service that is 19642
offered in connection with one or more telecommunications 19643
services, which offers advanced calling features that allow 19644
customers to identify callers and manage multiple calls and call 19645
connections, including conference bridging service. 19646

(e) "Voice mail service" means an ancillary service that 19647
enables the customer to store, send, or receive recorded messages. 19648
"Voice mail service" does not include any vertical services that 19649
the customer may be required to have in order to utilize the voice 19650
mail service. 19651

(3) "900 service" means an inbound toll telecommunications 19652
service purchased by a subscriber that allows the subscriber's 19653
customers to call in to the subscriber's prerecorded announcement 19654
or live service, and which is typically marketed under the name 19655
"900" service and any subsequent numbers designated by the federal 19656
communications commission. "900 service" does not include the 19657
charge for collection services provided by the seller of the 19658
telecommunications service to the subscriber, or services or 19659
products sold by the subscriber to the subscriber's customer. 19660

(4) "Prepaid calling service" means the right to access 19661
exclusively telecommunications services, which must be paid for in 19662
advance and which enables the origination of calls using an access 19663
number or authorization code, whether manually or electronically 19664
dialed, and that is sold in predetermined units of dollars of 19665
which the number declines with use in a known amount. 19666

(5) "Prepaid wireless calling service" means a 19667
telecommunications service that provides the right to utilize 19668
mobile telecommunications service as well as other 19669

non-telecommunications services, including the download of digital 19670
products delivered electronically, and content and ancillary 19671
services, that must be paid for in advance and that is sold in 19672
predetermined units of dollars of which the number declines with 19673
use in a known amount. 19674

(6) "Value-added non-voice data service" means a 19675
telecommunications service in which computer processing 19676
applications are used to act on the form, content, code, or 19677
protocol of the information or data primarily for a purpose other 19678
than transmission, conveyance, or routing. 19679

(7) "Coin-operated telephone service" means a 19680
telecommunications service paid for by inserting money into a 19681
telephone accepting direct deposits of money to operate. 19682

(8) "Customer" has the same meaning as in section 5739.034 of 19683
the Revised Code. 19684

(BB) "Laundry and dry cleaning services" means removing soil 19685
or dirt from towels, linens, articles of clothing, or other fabric 19686
items that belong to others and supplying towels, linens, articles 19687
of clothing, or other fabric items. "Laundry and dry cleaning 19688
services" does not include the provision of self-service 19689
facilities for use by consumers to remove soil or dirt from 19690
towels, linens, articles of clothing, or other fabric items. 19691

(CC) "Magazines distributed as controlled circulation 19692
publications" means magazines containing at least twenty-four 19693
pages, at least twenty-five per cent editorial content, issued at 19694
regular intervals four or more times a year, and circulated 19695
without charge to the recipient, provided that such magazines are 19696
not owned or controlled by individuals or business concerns which 19697
conduct such publications as an auxiliary to, and essentially for 19698
the advancement of the main business or calling of, those who own 19699
or control them. 19700

(DD) "Landscaping and lawn care service" means the services 19701
of planting, seeding, sodding, removing, cutting, trimming, 19702
pruning, mulching, aerating, applying chemicals, watering, 19703
fertilizing, and providing similar services to establish, promote, 19704
or control the growth of trees, shrubs, flowers, grass, ground 19705
cover, and other flora, or otherwise maintaining a lawn or 19706
landscape grown or maintained by the owner for ornamentation or 19707
other nonagricultural purpose. However, "landscaping and lawn care 19708
service" does not include the providing of such services by a 19709
person who has less than five thousand dollars in sales of such 19710
services during the calendar year. 19711

(EE) "Private investigation and security service" means the 19712
performance of any activity for which the provider of such service 19713
is required to be licensed pursuant to Chapter 4749. of the 19714
Revised Code, or would be required to be so licensed in performing 19715
such services in this state, and also includes the services of 19716
conducting polygraph examinations and of monitoring or overseeing 19717
the activities on or in, or the condition of, the consumer's home, 19718
business, or other facility by means of electronic or similar 19719
monitoring devices. "Private investigation and security service" 19720
does not include special duty services provided by off-duty police 19721
officers, deputy sheriffs, and other peace officers regularly 19722
employed by the state or a political subdivision. 19723

(FF) "Information services" means providing conversation, 19724
giving consultation or advice, playing or making a voice or other 19725
recording, making or keeping a record of the number of callers, 19726
and any other service provided to a consumer by means of a nine 19727
hundred telephone call, except when the nine hundred telephone 19728
call is the means by which the consumer makes a contribution to a 19729
recognized charity. 19730

(GG) "Research and development" means designing, creating, or 19731
formulating new or enhanced products, equipment, or manufacturing 19732

processes, and also means conducting scientific or technological 19733
inquiry and experimentation in the physical sciences with the goal 19734
of increasing scientific knowledge which may reveal the bases for 19735
new or enhanced products, equipment, or manufacturing processes. 19736

(HH) "Qualified research and development equipment" means 19737
capitalized tangible personal property, and leased personal 19738
property that would be capitalized if purchased, used by a person 19739
primarily to perform research and development. Tangible personal 19740
property primarily used in testing, as defined in division (A)(4) 19741
of section 5739.011 of the Revised Code, or used for recording or 19742
storing test results, is not qualified research and development 19743
equipment unless such property is primarily used by the consumer 19744
in testing the product, equipment, or manufacturing process being 19745
created, designed, or formulated by the consumer in the research 19746
and development activity or in recording or storing such test 19747
results. 19748

(II) "Building maintenance and janitorial service" means 19749
cleaning the interior or exterior of a building and any tangible 19750
personal property located therein or thereon, including any 19751
services incidental to such cleaning for which no separate charge 19752
is made. However, "building maintenance and janitorial service" 19753
does not include the providing of such service by a person who has 19754
less than five thousand dollars in sales of such service during 19755
the calendar year. 19756

(JJ) "Employment service" means providing or supplying 19757
personnel, on a temporary or long-term basis, to perform work or 19758
labor under the supervision or control of another, when the 19759
personnel so provided or supplied receive their wages, salary, or 19760
other compensation from the provider or supplier of the employment 19761
service or from a third party that provided or supplied the 19762
personnel to the provider or supplier. "Employment service" does 19763
not include: 19764

(1) Acting as a contractor or subcontractor, where the personnel performing the work are not under the direct control of the purchaser.	19765 19766 19767
(2) Medical and health care services.	19768
(3) Supplying personnel to a purchaser pursuant to a contract of at least one year between the service provider and the purchaser that specifies that each employee covered under the contract is assigned to the purchaser on a permanent basis.	19769 19770 19771 19772
(4) Transactions between members of an affiliated group, as defined in division (B)(3)(e) of this section.	19773 19774
(5) Transactions where the personnel so provided or supplied by a provider or supplier to a purchaser of an employment service are then provided or supplied by that purchaser to a third party as an employment service, except "employment service" does include the transaction between that purchaser and the third party.	19775 19776 19777 19778 19779
(KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position.	19780 19781 19782
(LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure.	19783 19784 19785 19786 19787
(MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise.	19788 19789 19790 19791 19792 19793 19794

(NN) "Recreation and sports club service" means all 19795
transactions by which a membership is granted, maintained, or 19796
renewed, including initiation fees, membership dues, renewal fees, 19797
monthly minimum fees, and other similar fees and dues, by a 19798
recreation and sports club, which entitles the member to use the 19799
facilities of the organization. "Recreation and sports club" means 19800
an organization that has ownership of, or controls or leases on a 19801
continuing, long-term basis, the facilities used by its members 19802
and includes an aviation club, gun or shooting club, yacht club, 19803
card club, swimming club, tennis club, golf club, country club, 19804
riding club, amateur sports club, or similar organization. 19805

(OO) "Livestock" means farm animals commonly raised for food 19806
or food production, and includes but is not limited to cattle, 19807
sheep, goats, swine, and poultry. "Livestock" does not include 19808
invertebrates, fish, amphibians, reptiles, horses, domestic pets, 19809
animals for use in laboratories or for exhibition, or other 19810
animals not commonly raised for food or food production. 19811

(PP) "Livestock structure" means a building or structure used 19812
exclusively for the housing, raising, feeding, or sheltering of 19813
livestock, and includes feed storage or handling structures and 19814
structures for livestock waste handling. 19815

(QQ) "Horticulture" means the growing, cultivation, and 19816
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 19817
and nursery stock. As used in this division, "nursery stock" has 19818
the same meaning as in section 927.51 of the Revised Code. 19819

(RR) "Horticulture structure" means a building or structure 19820
used exclusively for the commercial growing, raising, or 19821
overwintering of horticultural products, and includes the area 19822
used for stocking, storing, and packing horticultural products 19823
when done in conjunction with the production of those products. 19824

(SS) "Newspaper" means an unbound publication bearing a title 19825

or name that is regularly published, at least as frequently as 19826
biweekly, and distributed from a fixed place of business to the 19827
public in a specific geographic area, and that contains a 19828
substantial amount of news matter of international, national, or 19829
local events of interest to the general public. 19830

(TT) "Professional racing team" means a person that employs 19831
at least twenty full-time employees for the purpose of conducting 19832
a motor vehicle racing business for profit. The person must 19833
conduct the business with the purpose of racing one or more motor 19834
racing vehicles in at least ten competitive professional racing 19835
events each year that comprise all or part of a motor racing 19836
series sanctioned by one or more motor racing sanctioning 19837
organizations. A "motor racing vehicle" means a vehicle for which 19838
the chassis, engine, and parts are designed exclusively for motor 19839
racing, and does not include a stock or production model vehicle 19840
that may be modified for use in racing. For the purposes of this 19841
division: 19842

(1) A "competitive professional racing event" is a motor 19843
vehicle racing event sanctioned by one or more motor racing 19844
sanctioning organizations, at which aggregate cash prizes in 19845
excess of eight hundred thousand dollars are awarded to the 19846
competitors. 19847

(2) "Full-time employee" means an individual who is employed 19848
for consideration for thirty-five or more hours a week, or who 19849
renders any other standard of service generally accepted by custom 19850
or specified by contract as full-time employment. 19851

(UU)(1) "Lease" or "rental" means any transfer of the 19852
possession or control of tangible personal property for a fixed or 19853
indefinite term, for consideration. "Lease" or "rental" includes 19854
future options to purchase or extend, and agreements described in 19855
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 19856
the amount of consideration may be increased or decreased by 19857

reference to the amount realized upon the sale or disposition of 19858
the property. "Lease" or "rental" does not include: 19859

(a) A transfer of possession or control of tangible personal 19860
property under a security agreement or a deferred payment plan 19861
that requires the transfer of title upon completion of the 19862
required payments; 19863

(b) A transfer of possession or control of tangible personal 19864
property under an agreement that requires the transfer of title 19865
upon completion of required payments and payment of an option 19866
price that does not exceed the greater of one hundred dollars or 19867
one per cent of the total required payments; 19868

(c) Providing tangible personal property along with an 19869
operator for a fixed or indefinite period of time, if the operator 19870
is necessary for the property to perform as designed. For purposes 19871
of this division, the operator must do more than maintain, 19872
inspect, or set-up the tangible personal property. 19873

(2) "Lease" and "rental," as defined in division (UU) of this 19874
section, shall not apply to leases or rentals that exist before 19875
June 26, 2003. 19876

(3) "Lease" and "rental" have the same meaning as in division 19877
(UU)(1) of this section regardless of whether a transaction is 19878
characterized as a lease or rental under generally accepted 19879
accounting principles, the Internal Revenue Code, Title XIII of 19880
the Revised Code, or other federal, state, or local laws. 19881

(VV) "Mobile telecommunications service" has the same meaning 19882
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 19883
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 19884
on and after August 1, 2003, includes related fees and ancillary 19885
services, including universal service fees, detailed billing 19886
service, directory assistance, service initiation, voice mail 19887
service, and vertical services, such as caller ID and three-way 19888

calling. 19889

(WW) "Certified service provider" has the same meaning as in 19890
section 5740.01 of the Revised Code. 19891

(XX) "Satellite broadcasting service" means the distribution 19892
or broadcasting of programming or services by satellite directly 19893
to the subscriber's receiving equipment without the use of ground 19894
receiving or distribution equipment, except the subscriber's 19895
receiving equipment or equipment used in the uplink process to the 19896
satellite, and includes all service and rental charges, premium 19897
channels or other special services, installation and repair 19898
service charges, and any other charges having any connection with 19899
the provision of the satellite broadcasting service. 19900

(YY) "Tangible personal property" means personal property 19901
that can be seen, weighed, measured, felt, or touched, or that is 19902
in any other manner perceptible to the senses. For purposes of 19903
this chapter and Chapter 5741. of the Revised Code, "tangible 19904
personal property" includes motor vehicles, electricity, water, 19905
gas, steam, and prewritten computer software. 19906

(ZZ) "Direct mail" means printed material delivered or 19907
distributed by United States mail or other delivery service to a 19908
mass audience or to addressees on a mailing list provided by the 19909
consumer or at the direction of the consumer when the cost of the 19910
items are not billed directly to the recipients. "Direct mail" 19911
includes tangible personal property supplied directly or 19912
indirectly by the consumer to the direct mail vendor for inclusion 19913
in the package containing the printed material. "Direct mail" does 19914
not include multiple items of printed material delivered to a 19915
single address. 19916

(AAA) "Computer" means an electronic device that accepts 19917
information in digital or similar form and manipulates it for a 19918
result based on a sequence of instructions. 19919

(BBB) "Computer software" means a set of coded instructions 19920
designed to cause a computer or automatic data processing 19921
equipment to perform a task. 19922

(CCC) "Delivered electronically" means delivery of computer 19923
software from the seller to the purchaser by means other than 19924
tangible storage media. 19925

(DDD) "Prewritten computer software" means computer software, 19926
including prewritten upgrades, that is not designed and developed 19927
by the author or other creator to the specifications of a specific 19928
purchaser. The combining of two or more prewritten computer 19929
software programs or prewritten portions thereof does not cause 19930
the combination to be other than prewritten computer software. 19931
"Prewritten computer software" includes software designed and 19932
developed by the author or other creator to the specifications of 19933
a specific purchaser when it is sold to a person other than the 19934
purchaser. If a person modifies or enhances computer software of 19935
which the person is not the author or creator, the person shall be 19936
deemed to be the author or creator only of such person's 19937
modifications or enhancements. Prewritten computer software or a 19938
prewritten portion thereof that is modified or enhanced to any 19939
degree, where such modification or enhancement is designed and 19940
developed to the specifications of a specific purchaser, remains 19941
prewritten computer software; provided, however, that where there 19942
is a reasonable, separately stated charge or an invoice or other 19943
statement of the price given to the purchaser for the modification 19944
or enhancement, the modification or enhancement shall not 19945
constitute prewritten computer software. 19946

(EEE)(1) "Food" means substances, whether in liquid, 19947
concentrated, solid, frozen, dried, or dehydrated form, that are 19948
sold for ingestion or chewing by humans and are consumed for their 19949
taste or nutritional value. "Food" does not include alcoholic 19950
beverages, dietary supplements, soft drinks, or tobacco. 19951

- (2) As used in division (EEE)(1) of this section: 19952
- (a) "Alcoholic beverages" means beverages that are suitable 19953
for human consumption and contain one-half of one per cent or more 19954
of alcohol by volume. 19955
- (b) "Dietary supplements" means any product, other than 19956
tobacco, that is intended to supplement the diet and that is 19957
intended for ingestion in tablet, capsule, powder, softgel, 19958
gelcap, or liquid form, or, if not intended for ingestion in such 19959
a form, is not represented as conventional food for use as a sole 19960
item of a meal or of the diet; that is required to be labeled as a 19961
dietary supplement, identifiable by the "supplement facts" box 19962
found on the label, as required by 21 C.F.R. 101.36; and that 19963
contains one or more of the following dietary ingredients: 19964
- (i) A vitamin; 19965
- (ii) A mineral; 19966
- (iii) An herb or other botanical; 19967
- (iv) An amino acid; 19968
- (v) A dietary substance for use by humans to supplement the 19969
diet by increasing the total dietary intake; 19970
- (vi) A concentrate, metabolite, constituent, extract, or 19971
combination of any ingredient described in divisions 19972
(EEE)(2)(b)(i) to (v) of this section. 19973
- (c) "Soft drinks" means nonalcoholic beverages that contain 19974
natural or artificial sweeteners. "Soft drinks" does not include 19975
beverages that contain milk or milk products, soy, rice, or 19976
similar milk substitutes, or that contains greater than fifty per 19977
cent vegetable or fruit juice by volume. 19978
- (d) "Tobacco" means cigarettes, cigars, chewing or pipe 19979
tobacco, or any other item that contains tobacco. 19980
- (FFF) "Drug" means a compound, substance, or preparation, and 19981

any component of a compound, substance, or preparation, other than 19982
food, dietary supplements, or alcoholic beverages that is 19983
recognized in the official United States pharmacopoeia, official 19984
homeopathic pharmacopoeia of the United States, or official 19985
national formulary, and supplements to them; is intended for use 19986
in the diagnosis, cure, mitigation, treatment, or prevention of 19987
disease; or is intended to affect the structure or any function of 19988
the body. 19989

(GGG) "Prescription" means an order, formula, or recipe 19990
issued in any form of oral, written, electronic, or other means of 19991
transmission by a duly licensed practitioner authorized by the 19992
laws of this state to issue a prescription. 19993

(HHH) "Durable medical equipment" means equipment, including 19994
repair and replacement parts for such equipment, that can 19995
withstand repeated use, is primarily and customarily used to serve 19996
a medical purpose, generally is not useful to a person in the 19997
absence of illness or injury, and is not worn in or on the body. 19998
"Durable medical equipment" does not include mobility enhancing 19999
equipment. 20000

(III) "Mobility enhancing equipment" means equipment, 20001
including repair and replacement parts for such equipment, that is 20002
primarily and customarily used to provide or increase the ability 20003
to move from one place to another and is appropriate for use 20004
either in a home or a motor vehicle, that is not generally used by 20005
persons with normal mobility, and that does not include any motor 20006
vehicle or equipment on a motor vehicle normally provided by a 20007
motor vehicle manufacturer. "Mobility enhancing equipment" does 20008
not include durable medical equipment. 20009

(JJJ) "Prosthetic device" means a replacement, corrective, or 20010
supportive device, including repair and replacement parts for the 20011
device, worn on or in the human body to artificially replace a 20012
missing portion of the body, prevent or correct physical deformity 20013

or malfunction, or support a weak or deformed portion of the body. 20014
As used in this division, "prosthetic device" does not include 20015
corrective eyeglasses, contact lenses, or dental prosthesis. 20016

(KKK)(1) "Fractional aircraft ownership program" means a 20017
program in which persons within an affiliated group sell and 20018
manage fractional ownership program aircraft, provided that at 20019
least one hundred airworthy aircraft are operated in the program 20020
and the program meets all of the following criteria: 20021

(a) Management services are provided by at least one program 20022
manager within an affiliated group on behalf of the fractional 20023
owners. 20024

(b) Each program aircraft is owned or possessed by at least 20025
one fractional owner. 20026

(c) Each fractional owner owns or possesses at least a 20027
one-sixteenth interest in at least one fixed-wing program 20028
aircraft. 20029

(d) A dry-lease aircraft interchange arrangement is in effect 20030
among all of the fractional owners. 20031

(e) Multi-year program agreements are in effect regarding the 20032
fractional ownership, management services, and dry-lease aircraft 20033
interchange arrangement aspects of the program. 20034

(2) As used in division (KKK)(1) of this section: 20035

(a) "Affiliated group" has the same meaning as in division 20036
(B)(3)(e) of this section. 20037

(b) "Fractional owner" means a person that owns or possesses 20038
at least a one-sixteenth interest in a program aircraft and has 20039
entered into the agreements described in division (KKK)(1)(e) of 20040
this section. 20041

(c) "Fractional ownership program aircraft" or "program 20042
aircraft" means a turbojet aircraft that is owned or possessed by 20043

a fractional owner and that has been included in a dry-lease 20044
aircraft interchange arrangement and agreement under divisions 20045
(KKK)(1)(d) and (e) of this section, or an aircraft a program 20046
manager owns or possesses primarily for use in a fractional 20047
aircraft ownership program. 20048

(d) "Management services" means administrative and aviation 20049
support services furnished under a fractional aircraft ownership 20050
program in accordance with a management services agreement under 20051
division (KKK)(1)(e) of this section, and offered by the program 20052
manager to the fractional owners, including, at a minimum, the 20053
establishment and implementation of safety guidelines; the 20054
coordination of the scheduling of the program aircraft and crews; 20055
program aircraft maintenance; program aircraft insurance; crew 20056
training for crews employed, furnished, or contracted by the 20057
program manager or the fractional owner; the satisfaction of 20058
record-keeping requirements; and the development and use of an 20059
operations manual and a maintenance manual for the fractional 20060
aircraft ownership program. 20061

(e) "Program manager" means the person that offers management 20062
services to fractional owners pursuant to a management services 20063
agreement under division (KKK)(1)(e) of this section. 20064

(LLL) "Electronic publishing" means providing access to one 20065
or more of the following primarily for business customers, 20066
including the federal government or a state government or a 20067
political subdivision thereof, to conduct research: news; 20068
business, financial, legal, consumer, or credit materials; 20069
editorials, columns, reader commentary, or features; photos or 20070
images; archival or research material; legal notices, identity 20071
verification, or public records; scientific, educational, 20072
instructional, technical, professional, trade, or other literary 20073
materials; or other similar information which has been gathered 20074
and made available by the provider to the consumer in an 20075

electronic format. Providing electronic publishing includes the 20076
functions necessary for the acquisition, formatting, editing, 20077
storage, and dissemination of data or information that is the 20078
subject of a sale. 20079

Sec. 5739.02. For the purpose of providing revenue with which 20080
to meet the needs of the state, for the use of the general revenue 20081
fund of the state, for the purpose of securing a thorough and 20082
efficient system of common schools throughout the state, for the 20083
purpose of affording revenues, in addition to those from general 20084
property taxes, permitted under constitutional limitations, and 20085
from other sources, for the support of local governmental 20086
functions, and for the purpose of reimbursing the state for the 20087
expense of administering this chapter, an excise tax is hereby 20088
levied on each retail sale made in this state. 20089

(A)(1) The tax shall be collected as provided in section 20090
5739.025 of the Revised Code, ~~provided that on and after July 1,~~ 20091
~~2003, and on or before June 30, 2005, the rate of tax shall be six~~ 20092
~~per cent. On and after July 1, 2005, the~~ The rate of the tax 20093
shall be five and one-half per cent. The tax applies and is 20094
collectible when the sale is made, regardless of the time when the 20095
price is paid or delivered. 20096

(2) In the case of the lease or rental, with a fixed term of 20097
more than thirty days or an indefinite term with a minimum period 20098
of more than thirty days, of any motor vehicles designed by the 20099
manufacturer to carry a load of not more than one ton, watercraft, 20100
outboard motor, or aircraft, or of any tangible personal property, 20101
other than motor vehicles designed by the manufacturer to carry a 20102
load of more than one ton, to be used by the lessee or renter 20103
primarily for business purposes, the tax shall be collected by the 20104
vendor at the time the lease or rental is consummated and shall be 20105
calculated by the vendor on the basis of the total amount to be 20106

paid by the lessee or renter under the lease agreement. If the 20107
total amount of the consideration for the lease or rental includes 20108
amounts that are not calculated at the time the lease or rental is 20109
executed, the tax shall be calculated and collected by the vendor 20110
at the time such amounts are billed to the lessee or renter. In 20111
the case of an open-end lease or rental, the tax shall be 20112
calculated by the vendor on the basis of the total amount to be 20113
paid during the initial fixed term of the lease or rental, and for 20114
each subsequent renewal period as it comes due. As used in this 20115
division, "motor vehicle" has the same meaning as in section 20116
4501.01 of the Revised Code, and "watercraft" includes an outdrive 20117
unit attached to the watercraft. 20118

A lease with a renewal clause and a termination penalty or 20119
similar provision that applies if the renewal clause is not 20120
exercised is presumed to be a sham transaction. In such a case, 20121
the tax shall be calculated and paid on the basis of the entire 20122
length of the lease period, including any renewal periods, until 20123
the termination penalty or similar provision no longer applies. 20124
The taxpayer shall bear the burden, by a preponderance of the 20125
evidence, that the transaction or series of transactions is not a 20126
sham transaction. 20127

(3) Except as provided in division (A)(2) of this section, in 20128
the case of a sale, the price of which consists in whole or in 20129
part of the lease or rental of tangible personal property, the tax 20130
shall be measured by the installments of that lease or rental. 20131

(4) In the case of a sale of a physical fitness facility 20132
service or recreation and sports club service, the price of which 20133
consists in whole or in part of a membership for the receipt of 20134
the benefit of the service, the tax applicable to the sale shall 20135
be measured by the installments thereof. 20136

(B) The tax does not apply to the following: 20137

(1) Sales to the state or any of its political subdivisions,	20138
or to any other state or its political subdivisions if the laws of	20139
that state exempt from taxation sales made to this state and its	20140
political subdivisions;	20141
(2) Sales of food for human consumption off the premises	20142
where sold;	20143
(3) Sales of food sold to students only in a cafeteria,	20144
dormitory, fraternity, or sorority maintained in a private,	20145
public, or parochial school, college, or university;	20146
(4) Sales of newspapers and of magazine subscriptions and	20147
sales or transfers of magazines distributed as controlled	20148
circulation publications;	20149
(5) The furnishing, preparing, or serving of meals without	20150
charge by an employer to an employee provided the employer records	20151
the meals as part compensation for services performed or work	20152
done;	20153
(6) Sales of motor fuel upon receipt, use, distribution, or	20154
sale of which in this state a tax is imposed by the law of this	20155
state, but this exemption shall not apply to the sale of motor	20156
fuel on which a refund of the tax is allowable under division (A)	20157
of section 5735.14 of the Revised Code; and the tax commissioner	20158
may deduct the amount of tax levied by this section applicable to	20159
the price of motor fuel when granting a refund of motor fuel tax	20160
pursuant to division (A) of section 5735.14 of the Revised Code	20161
and shall cause the amount deducted to be paid into the general	20162
revenue fund of this state;	20163
(7) Sales of natural gas by a natural gas company, of water	20164
by a water-works company, or of steam by a heating company, if in	20165
each case the thing sold is delivered to consumers through pipes	20166
or conduits, and all sales of communications services by a	20167
telegraph company, all terms as defined in section 5727.01 of the	20168

Revised Code, and sales of electricity delivered through wires; 20169

(8) Casual sales by a person, or auctioneer employed directly 20170
by the person to conduct such sales, except as to such sales of 20171
motor vehicles, watercraft or outboard motors required to be 20172
titled under section 1548.06 of the Revised Code, watercraft 20173
documented with the United States coast guard, snowmobiles, and 20174
all-purpose vehicles as defined in section 4519.01 of the Revised 20175
Code; 20176

(9)(a) Sales of services or tangible personal property, other 20177
than motor vehicles, mobile homes, and manufactured homes, by 20178
churches, organizations exempt from taxation under section 20179
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 20180
organizations operated exclusively for charitable purposes as 20181
defined in division (B)(12) of this section, provided that the 20182
number of days on which such tangible personal property or 20183
services, other than items never subject to the tax, are sold does 20184
not exceed six in any calendar year, except as otherwise provided 20185
in division (B)(9)(b) of this section. If the number of days on 20186
which such sales are made exceeds six in any calendar year, the 20187
church or organization shall be considered to be engaged in 20188
business and all subsequent sales by it shall be subject to the 20189
tax. In counting the number of days, all sales by groups within a 20190
church or within an organization shall be considered to be sales 20191
of that church or organization. 20192

(b) The limitation on the number of days on which tax-exempt 20193
sales may be made by a church or organization under division 20194
(B)(9)(a) of this section does not apply to sales made by student 20195
clubs and other groups of students of a primary or secondary 20196
school, or a parent-teacher association, booster group, or similar 20197
organization that raises money to support or fund curricular or 20198
extracurricular activities of a primary or secondary school. 20199

(c) Divisions (B)(9)(a) and (b) of this section do not apply 20200

to sales by a noncommercial educational radio or television 20201
broadcasting station. 20202

(10) Sales not within the taxing power of this state under 20203
the Constitution of the United States; 20204

(11) Except for transactions that are sales under division 20205
(B)(3)(r) of section 5739.01 of the Revised Code, the 20206
transportation of persons or property, unless the transportation 20207
is by a private investigation and security service; 20208

(12) Sales of tangible personal property or services to 20209
churches, to organizations exempt from taxation under section 20210
501(c)(3) of the Internal Revenue Code of 1986, and to any other 20211
nonprofit organizations operated exclusively for charitable 20212
purposes in this state, no part of the net income of which inures 20213
to the benefit of any private shareholder or individual, and no 20214
substantial part of the activities of which consists of carrying 20215
on propaganda or otherwise attempting to influence legislation; 20216
sales to offices administering one or more homes for the aged or 20217
one or more hospital facilities exempt under section 140.08 of the 20218
Revised Code; and sales to organizations described in division (D) 20219
of section 5709.12 of the Revised Code. 20220

"Charitable purposes" means the relief of poverty; the 20221
improvement of health through the alleviation of illness, disease, 20222
or injury; the operation of an organization exclusively for the 20223
provision of professional, laundry, printing, and purchasing 20224
services to hospitals or charitable institutions; the operation of 20225
a home for the aged, as defined in section 5701.13 of the Revised 20226
Code; the operation of a radio or television broadcasting station 20227
that is licensed by the federal communications commission as a 20228
noncommercial educational radio or television station; the 20229
operation of a nonprofit animal adoption service or a county 20230
humane society; the promotion of education by an institution of 20231
learning that maintains a faculty of qualified instructors, 20232

teaches regular continuous courses of study, and confers a 20233
recognized diploma upon completion of a specific curriculum; the 20234
operation of a parent-teacher association, booster group, or 20235
similar organization primarily engaged in the promotion and 20236
support of the curricular or extracurricular activities of a 20237
primary or secondary school; the operation of a community or area 20238
center in which presentations in music, dramatics, the arts, and 20239
related fields are made in order to foster public interest and 20240
education therein; the production of performances in music, 20241
dramatics, and the arts; or the promotion of education by an 20242
organization engaged in carrying on research in, or the 20243
dissemination of, scientific and technological knowledge and 20244
information primarily for the public. 20245

Nothing in this division shall be deemed to exempt sales to 20246
any organization for use in the operation or carrying on of a 20247
trade or business, or sales to a home for the aged for use in the 20248
operation of independent living facilities as defined in division 20249
(A) of section 5709.12 of the Revised Code. 20250

(13) Building and construction materials and services sold to 20251
construction contractors for incorporation into a structure or 20252
improvement to real property under a construction contract with 20253
this state or a political subdivision of this state, or with the 20254
United States government or any of its agencies; building and 20255
construction materials and services sold to construction 20256
contractors for incorporation into a structure or improvement to 20257
real property that are accepted for ownership by this state or any 20258
of its political subdivisions, or by the United States government 20259
or any of its agencies at the time of completion of the structures 20260
or improvements; building and construction materials sold to 20261
construction contractors for incorporation into a horticulture 20262
structure or livestock structure for a person engaged in the 20263
business of horticulture or producing livestock; building 20264

materials and services sold to a construction contractor for 20265
incorporation into a house of public worship or religious 20266
education, or a building used exclusively for charitable purposes 20267
under a construction contract with an organization whose purpose 20268
is as described in division (B)(12) of this section; building 20269
materials and services sold to a construction contractor for 20270
incorporation into a building under a construction contract with 20271
an organization exempt from taxation under section 501(c)(3) of 20272
the Internal Revenue Code of 1986 when the building is to be used 20273
exclusively for the organization's exempt purposes; building and 20274
construction materials sold for incorporation into the original 20275
construction of a sports facility under section 307.696 of the 20276
Revised Code; and building and construction materials and services 20277
sold to a construction contractor for incorporation into real 20278
property outside this state if such materials and services, when 20279
sold to a construction contractor in the state in which the real 20280
property is located for incorporation into real property in that 20281
state, would be exempt from a tax on sales levied by that state; 20282

(14) Sales of ships or vessels or rail rolling stock used or 20283
to be used principally in interstate or foreign commerce, and 20284
repairs, alterations, fuel, and lubricants for such ships or 20285
vessels or rail rolling stock; 20286

(15) Sales to persons primarily engaged in any of the 20287
activities mentioned in division (B)(42)(a) or (g) of this 20288
section, to persons engaged in making retail sales, or to persons 20289
who purchase for sale from a manufacturer tangible personal 20290
property that was produced by the manufacturer in accordance with 20291
specific designs provided by the purchaser, of packages, including 20292
material, labels, and parts for packages, and of machinery, 20293
equipment, and material for use primarily in packaging tangible 20294
personal property produced for sale, including any machinery, 20295
equipment, and supplies used to make labels or packages, to 20296

prepare packages or products for labeling, or to label packages or 20297
products, by or on the order of the person doing the packaging, or 20298
sold at retail. "Packages" includes bags, baskets, cartons, 20299
crates, boxes, cans, bottles, bindings, wrappings, and other 20300
similar devices and containers, but does not include motor 20301
vehicles or bulk tanks, trailers, or similar devices attached to 20302
motor vehicles. "Packaging" means placing in a package. Division 20303
(B)(15) of this section does not apply to persons engaged in 20304
highway transportation for hire. 20305

(16) Sales of food to persons using food stamp benefits to 20306
purchase the food. As used in this division, "food" has the same 20307
meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 20308
2012, as amended, and federal regulations adopted pursuant to that 20309
act. 20310

(17) Sales to persons engaged in farming, agriculture, 20311
horticulture, or floriculture, of tangible personal property for 20312
use or consumption directly in the production by farming, 20313
agriculture, horticulture, or floriculture of other tangible 20314
personal property for use or consumption directly in the 20315
production of tangible personal property for sale by farming, 20316
agriculture, horticulture, or floriculture; or material and parts 20317
for incorporation into any such tangible personal property for use 20318
or consumption in production; and of tangible personal property 20319
for such use or consumption in the conditioning or holding of 20320
products produced by and for such use, consumption, or sale by 20321
persons engaged in farming, agriculture, horticulture, or 20322
floriculture, except where such property is incorporated into real 20323
property; 20324

(18) Sales of drugs for a human being that may be dispensed 20325
only pursuant to a prescription; insulin as recognized in the 20326
official United States pharmacopoeia; urine and blood testing 20327
materials when used by diabetics or persons with hypoglycemia to 20328

test for glucose or acetone; hypodermic syringes and needles when 20329
used by diabetics for insulin injections; epoetin alfa when 20330
purchased for use in the treatment of persons with medical 20331
disease; hospital beds when purchased by hospitals, nursing homes, 20332
or other medical facilities; and medical oxygen and medical 20333
oxygen-dispensing equipment when purchased by hospitals, nursing 20334
homes, or other medical facilities; 20335

(19) Sales of prosthetic devices, durable medical equipment 20336
for home use, or mobility enhancing equipment, when made pursuant 20337
to a prescription and when such devices or equipment are for use 20338
by a human being. 20339

(20) Sales of emergency and fire protection vehicles and 20340
equipment to nonprofit organizations for use solely in providing 20341
fire protection and emergency services, including trauma care and 20342
emergency medical services, for political subdivisions of the 20343
state; 20344

(21) Sales of tangible personal property manufactured in this 20345
state, if sold by the manufacturer in this state to a retailer for 20346
use in the retail business of the retailer outside of this state 20347
and if possession is taken from the manufacturer by the purchaser 20348
within this state for the sole purpose of immediately removing the 20349
same from this state in a vehicle owned by the purchaser; 20350

(22) Sales of services provided by the state or any of its 20351
political subdivisions, agencies, instrumentalities, institutions, 20352
or authorities, or by governmental entities of the state or any of 20353
its political subdivisions, agencies, instrumentalities, 20354
institutions, or authorities; 20355

(23) Sales of motor vehicles to nonresidents of this state 20356
under the circumstances described in division (B) of section 20357
5739.029 of the Revised Code; 20358

(24) Sales to persons engaged in the preparation of eggs for 20359

sale of tangible personal property used or consumed directly in 20360
such preparation, including such tangible personal property used 20361
for cleaning, sanitizing, preserving, grading, sorting, and 20362
classifying by size; packages, including material and parts for 20363
packages, and machinery, equipment, and material for use in 20364
packaging eggs for sale; and handling and transportation equipment 20365
and parts therefor, except motor vehicles licensed to operate on 20366
public highways, used in intraplant or interplant transfers or 20367
shipment of eggs in the process of preparation for sale, when the 20368
plant or plants within or between which such transfers or 20369
shipments occur are operated by the same person. "Packages" 20370
includes containers, cases, baskets, flats, fillers, filler flats, 20371
cartons, closure materials, labels, and labeling materials, and 20372
"packaging" means placing therein. 20373

(25)(a) Sales of water to a consumer for residential use, 20374
except the sale of bottled water, distilled water, mineral water, 20375
carbonated water, or ice; 20376

(b) Sales of water by a nonprofit corporation engaged 20377
exclusively in the treatment, distribution, and sale of water to 20378
consumers, if such water is delivered to consumers through pipes 20379
or tubing. 20380

(26) Fees charged for inspection or reinspection of motor 20381
vehicles under section 3704.14 of the Revised Code; 20382

(27) Sales to persons licensed to conduct a food service 20383
operation pursuant to section 3717.43 of the Revised Code, of 20384
tangible personal property primarily used directly for the 20385
following: 20386

(a) To prepare food for human consumption for sale; 20387

(b) To preserve food that has been or will be prepared for 20388
human consumption for sale by the food service operator, not 20389
including tangible personal property used to display food for 20390

selection by the consumer;	20391
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	20392 20393
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	20394 20395
(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;	20396 20397 20398 20399
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	20400 20401 20402
(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;	20403 20404 20405
(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;	20406 20407 20408 20409 20410 20411
(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;	20412 20413 20414 20415 20416
(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or	20417 20418 20419 20420

recording any interactive, one- or two-way electromagnetic 20421
communications, including voice, image, data, and information, 20422
through the use of any medium, including, but not limited to, 20423
poles, wires, cables, switching equipment, computers, and record 20424
storage devices and media, and component parts for the tangible 20425
personal property. The exemption provided in this division shall 20426
be in lieu of all other exemptions under division (B)(42)(a) of 20427
this section to which the vendor may otherwise be entitled, based 20428
upon the use of the thing purchased in providing the 20429
telecommunications, mobile telecommunications, or satellite 20430
broadcasting service. 20431

(35)(a) Sales where the purpose of the consumer is to use or 20432
consume the things transferred in making retail sales and 20433
consisting of newspaper inserts, catalogues, coupons, flyers, gift 20434
certificates, or other advertising material that prices and 20435
describes tangible personal property offered for retail sale. 20436

(b) Sales to direct marketing vendors of preliminary 20437
materials such as photographs, artwork, and typesetting that will 20438
be used in printing advertising material; of printed matter that 20439
offers free merchandise or chances to win sweepstake prizes and 20440
that is mailed to potential customers with advertising material 20441
described in division (B)(35)(a) of this section; and of equipment 20442
such as telephones, computers, facsimile machines, and similar 20443
tangible personal property primarily used to accept orders for 20444
direct marketing retail sales. 20445

(c) Sales of automatic food vending machines that preserve 20446
food with a shelf life of forty-five days or less by refrigeration 20447
and dispense it to the consumer. 20448

For purposes of division (B)(35) of this section, "direct 20449
marketing" means the method of selling where consumers order 20450
tangible personal property by United States mail, delivery 20451
service, or telecommunication and the vendor delivers or ships the 20452

tangible personal property sold to the consumer from a warehouse, 20453
catalogue distribution center, or similar fulfillment facility by 20454
means of the United States mail, delivery service, or common 20455
carrier. 20456

(36) Sales to a person engaged in the business of 20457
horticulture or producing livestock of materials to be 20458
incorporated into a horticulture structure or livestock structure; 20459

(37) Sales of personal computers, computer monitors, computer 20460
keyboards, modems, and other peripheral computer equipment to an 20461
individual who is licensed or certified to teach in an elementary 20462
or a secondary school in this state for use by that individual in 20463
preparation for teaching elementary or secondary school students; 20464

(38) Sales to a professional racing team of any of the 20465
following: 20466

(a) Motor racing vehicles; 20467

(b) Repair services for motor racing vehicles; 20468

(c) Items of property that are attached to or incorporated in 20469
motor racing vehicles, including engines, chassis, and all other 20470
components of the vehicles, and all spare, replacement, and 20471
rebuilt parts or components of the vehicles; except not including 20472
tires, consumable fluids, paint, and accessories consisting of 20473
instrumentation sensors and related items added to the vehicle to 20474
collect and transmit data by means of telemetry and other forms of 20475
communication. 20476

(39) Sales of used manufactured homes and used mobile homes, 20477
as defined in section 5739.0210 of the Revised Code, made on or 20478
after January 1, 2000; 20479

(40) Sales of tangible personal property and services to a 20480
provider of electricity used or consumed directly and primarily in 20481
generating, transmitting, or distributing electricity for use by 20482

others, including property that is or is to be incorporated into 20483
and will become a part of the consumer's production, transmission, 20484
or distribution system and that retains its classification as 20485
tangible personal property after incorporation; fuel or power used 20486
in the production, transmission, or distribution of electricity; 20487
and tangible personal property and services used in the repair and 20488
maintenance of the production, transmission, or distribution 20489
system, including only those motor vehicles as are specially 20490
designed and equipped for such use. The exemption provided in this 20491
division shall be in lieu of all other exemptions in division 20492
(B)(42)(a) of this section to which a provider of electricity may 20493
otherwise be entitled based on the use of the tangible personal 20494
property or service purchased in generating, transmitting, or 20495
distributing electricity. 20496

(41) Sales to a person providing services under division 20497
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 20498
personal property and services used directly and primarily in 20499
providing taxable services under that section. 20500

(42) Sales where the purpose of the purchaser is to do any of 20501
the following: 20502

(a) To incorporate the thing transferred as a material or a 20503
part into tangible personal property to be produced for sale by 20504
manufacturing, assembling, processing, or refining; or to use or 20505
consume the thing transferred directly in producing tangible 20506
personal property for sale by mining, including, without 20507
limitation, the extraction from the earth of all substances that 20508
are classed geologically as minerals, production of crude oil and 20509
natural gas, farming, agriculture, horticulture, or floriculture, 20510
or directly in the rendition of a public utility service, except 20511
that the sales tax levied by this section shall be collected upon 20512
all meals, drinks, and food for human consumption sold when 20513
transporting persons. Persons engaged in rendering farming, 20514

agricultural, horticultural, or floricultural services, and 20515
services in the exploration for, and production of, crude oil and 20516
natural gas, for others are deemed engaged directly in farming, 20517
agriculture, horticulture, and floriculture, or exploration for, 20518
and production of, crude oil and natural gas. This paragraph does 20519
not exempt from "retail sale" or "sales at retail" the sale of 20520
tangible personal property that is to be incorporated into a 20521
structure or improvement to real property. 20522

(b) To hold the thing transferred as security for the 20523
performance of an obligation of the vendor; 20524

(c) To resell, hold, use, or consume the thing transferred as 20525
evidence of a contract of insurance; 20526

(d) To use or consume the thing directly in commercial 20527
fishing; 20528

(e) To incorporate the thing transferred as a material or a 20529
part into, or to use or consume the thing transferred directly in 20530
the production of, magazines distributed as controlled circulation 20531
publications; 20532

(f) To use or consume the thing transferred in the production 20533
and preparation in suitable condition for market and sale of 20534
printed, imprinted, overprinted, lithographic, multilithic, 20535
blueprinted, photostatic, or other productions or reproductions of 20536
written or graphic matter; 20537

(g) To use the thing transferred, as described in section 20538
5739.011 of the Revised Code, primarily in a manufacturing 20539
operation to produce tangible personal property for sale; 20540

(h) To use the benefit of a warranty, maintenance or service 20541
contract, or similar agreement, as described in division (B)(7) of 20542
section 5739.01 of the Revised Code, to repair or maintain 20543
tangible personal property, if all of the property that is the 20544
subject of the warranty, contract, or agreement would not be 20545

subject to the tax imposed by this section;	20546
(i) To use the thing transferred as qualified research and development equipment;	20547 20548
(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.	20549 20550 20551 20552 20553 20554 20555 20556 20557 20558 20559 20560 20561
(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;	20562 20563 20564 20565 20566 20567 20568
(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public;	20569 20570
(m) To use tangible personal property to perform a service listed in division (B)(3) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service;	20571 20572 20573 20574 20575
(n) To use or consume the thing transferred in acquiring,	20576

formatting, editing, storing, and disseminating data or 20577
information by electronic publishing. 20578

As used in division (B)(42) of this section, "thing" includes 20579
all transactions included in divisions (B)(3)(a), (b), and (e) of 20580
section 5739.01 of the Revised Code. 20581

(43) Sales conducted through a coin operated device that 20582
activates vacuum equipment or equipment that dispenses water, 20583
whether or not in combination with soap or other cleaning agents 20584
or wax, to the consumer for the consumer's use on the premises in 20585
washing, cleaning, or waxing a motor vehicle, provided no other 20586
personal property or personal service is provided as part of the 20587
transaction. 20588

(44) Sales of replacement and modification parts for engines, 20589
airframes, instruments, and interiors in, and paint for, aircraft 20590
used primarily in a fractional aircraft ownership program, and 20591
sales of services for the repair, modification, and maintenance of 20592
such aircraft, and machinery, equipment, and supplies primarily 20593
used to provide those services. 20594

(45) Sales of telecommunications service that is used 20595
directly and primarily to perform the functions of a call center. 20596
As used in this division, "call center" means any physical 20597
location where telephone calls are placed or received in high 20598
volume for the purpose of making sales, marketing, customer 20599
service, technical support, or other specialized business 20600
activity, and that employs at least fifty individuals that engage 20601
in call center activities on a full-time basis, or sufficient 20602
individuals to fill fifty full-time equivalent positions. 20603

(46) Sales by a telecommunications service vendor of 900 20604
service to a subscriber. This division does not apply to 20605
information services, as defined in division (FF) of section 20606
5739.01 of the Revised Code. 20607

(47) Sales of value-added non-voice data service. This 20608
division does not apply to any similar service that is not 20609
otherwise a telecommunications service. 20610

(48)(a) Sales of machinery, equipment, and software to a 20611
qualified direct selling entity for use in a warehouse or 20612
distribution center primarily for storing, transporting, or 20613
otherwise handling inventory that is held for sale to independent 20614
salespersons who operate as direct sellers and that is held 20615
primarily for distribution outside this state; 20616

(b) As used in division (B)(48)(a) of this section: 20617

(i) "Direct seller" means a person selling consumer products 20618
to individuals for personal or household use and not from a fixed 20619
retail location, including selling such product at in-home product 20620
demonstrations, parties, and other one-on-one selling. 20621

(ii) "Qualified direct selling entity" means an entity 20622
selling to direct sellers at the time the entity enters into a tax 20623
credit agreement with the tax credit authority pursuant to section 20624
122.17 of the Revised Code, provided that the agreement was 20625
entered into on or after January 1, 2007. Neither contingencies 20626
relevant to the granting of, nor later developments with respect 20627
to, the tax credit shall impair the status of the qualified direct 20628
selling entity under division (B)(48) of this section after 20629
execution of the tax credit agreement by the tax credit authority. 20630

(c) Division (B)(48) of this section is limited to machinery, 20631
equipment, and software first stored, used, or consumed in this 20632
state within the period commencing with the effective date of the 20633
amendment of this section by the capital appropriations act of the 20634
127th general assembly and ending on the date that is five years 20635
after that effective date. 20636

(49) Sales of materials, parts, equipment, or engines used in 20637
the repair or maintenance of aircraft or avionics systems of such 20638

aircraft, and sales of repair, remodeling, replacement, or 20639
maintenance services at a federal aviation administration 20640
certified repair station in this state performed on aircraft or on 20641
an aircraft's avionics, engine, or component materials or parts. 20642
As used in division (B)(49) of this section, "aircraft" means 20643
aircraft of more than six thousand pounds maximum certified 20644
takeoff weight or used exclusively in general aviation. 20645

(50) Sales of full flight simulators that are used for pilot 20646
or flight-crew training, sales of repair or replacement parts or 20647
components, and sales of repair or maintenance services for such 20648
full flight simulators. "Full flight simulator" means a replica of 20649
a specific type, or make, model, and series of aircraft cockpit. 20650
It includes the assemblage of equipment and computer programs 20651
necessary to represent aircraft operations in ground and flight 20652
conditions, a visual system providing an out-of-the-cockpit view, 20653
and a system that provides cues at least equivalent to those of a 20654
three-degree-of-freedom motion system, and has the full range of 20655
capabilities of the systems installed in the device as described 20656
in appendices A and B of part 60 of chapter 1 of title 14 of the 20657
Code of Federal Regulations. 20658

(C) For the purpose of the proper administration of this 20660
chapter, and to prevent the evasion of the tax, it is presumed 20661
that all sales made in this state are subject to the tax until the 20662
contrary is established. 20663

(D) The levy of this tax on retail sales of recreation and 20664
sports club service shall not prevent a municipal corporation from 20665
levying any tax on recreation and sports club dues or on any 20666
income generated by recreation and sports club dues. 20667

(E) The tax collected by the vendor from the consumer under 20668
this chapter is not part of the price, but is a tax collection for 20669
the benefit of the state, and of counties levying an additional 20670

sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code.

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, and except as otherwise provided in division (B) of this section, the tax due under this chapter on the sale of a motor vehicle required to be titled under Chapter 4505. of the Revised Code by a motor vehicle dealer to a consumer that is a nonresident of this state shall be the lesser of the amount of tax that would be due under this chapter and Chapter 5741. of the Revised Code if the total combined rate were six per cent, or the amount of tax that would be due to the state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use.

(B) No tax is due under this section, any other section of this chapter, or Chapter 5741. of the Revised Code under any of the following circumstances:

(1)(a) The consumer intends to immediately remove the motor vehicle from this state for use outside this state;

(b) Upon removal of the motor vehicle from this state, the consumer intends to title or register the vehicle in another state if such titling or registration is required;

(c) The consumer executes an affidavit as required under division (C) of this section affirming the consumer's intentions

under divisions (B)(1)(a) and (b) of this section; and 20702

(d) The state in which the consumer titles or registers the 20703
motor vehicle or to which the consumer removes the vehicle for use 20704
provides an exemption under circumstances substantially similar to 20705
those described in division (B)(1) of this section. 20706

(2) The state in which the consumer titles or registers the 20707
motor vehicle or to which the consumer removes the vehicle for use 20708
does not provide a credit against its sales or use tax or similar 20709
excise tax for sales or use tax paid to this state. 20710

(3) The state in which the consumer titles or registers the 20711
motor vehicle or to which the consumer removes the vehicle for use 20712
does not impose a sales or use tax or similar excise tax on the 20713
ownership or use of motor vehicles. 20714

(C) Any nonresident consumer that purchases a motor vehicle 20715
from a motor vehicle dealer in this state under the circumstances 20716
described in divisions (B)(1)(a) and (b) of this section shall 20717
execute an affidavit affirming the intentions described in those 20718
divisions. The affidavit shall be executed in triplicate and in 20719
the form specified by the tax commissioner. The affidavit shall be 20720
given to the motor vehicle dealer. 20721

A motor vehicle dealer that accepts in good faith an 20722
affidavit presented under this division by a nonresident consumer 20723
may rely upon the representations made in the affidavit. 20724

(D) A motor vehicle dealer making a sale subject to the tax 20725
under division (A) of this section shall collect the tax due 20726
unless the sale is subject to the exception under division (B) of 20727
this section or unless the sale is not otherwise subject to taxes 20728
levied under sections 5739.02, 5739.021, 5739.023, 5739.026, 20729
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code. In 20730
the case of a sale under the circumstances described in division 20731
(B)(1) of this section, the dealer shall retain one copy of the 20732

affidavit and file the original and the other copy with the clerk 20733
of the court of common pleas. If tax is due under division (A) of 20734
this section, the dealer shall remit the tax collected to the 20735
clerk at the time the dealer obtains the Ohio certificate of title 20736
in the name of the consumer as required under section 4505.06 of 20737
the Revised Code. The clerk shall forward the original affidavit 20738
to the tax commissioner in the manner prescribed by the 20739
commissioner. 20740

Unless a sale is excepted from taxation under division (B) of 20741
this section, upon receipt of an application for certificate of 20742
title a clerk of the court of common pleas shall collect the sales 20743
tax due under division (A) of this section. The clerk shall remit 20744
the tax collected to the tax commissioner in the manner prescribed 20745
by the commissioner. 20746

(E) If a motor vehicle is purchased by a corporation 20747
described in division (B)(6) of section 5739.01 of the Revised 20748
Code, the state of residence of the consumer for the purposes of 20749
this section is the state of residence of the corporation's 20750
principal shareholder. 20751

(F) Any provision of this chapter or of Chapter 5741. of the 20752
Revised Code that is not inconsistent with this section applies to 20753
sales described in division (A) of this section. 20754

(G) As used in this section: 20755

(1) For the purposes of this section only, the sale or 20756
purchase of a motor vehicle does not include a lease or rental of 20757
a motor vehicle subject to division (A)(2) or (3) of section 20758
5739.02 or division (A)(2) or (3) of section 5741.02 of the 20759
Revised Code; 20760

(2) "State," except in reference to "this state," means any 20761
state, district, commonwealth, or territory of the United States 20762
and any province of Canada. 20763

Sec. 5739.12. (A)(1) Each person who has or is required to 20764
have a vendor's license, on or before the twenty-third day of each 20765
month, shall make and file a return for the preceding month, ~~on~~ 20766
~~forms in the form~~ prescribed by the tax commissioner, and shall 20767
pay the tax shown on the return to be due. The return shall be 20768
filed electronically using the Ohio business gateway, as defined 20769
in section 718.051 of the Revised Code, the Ohio telefile system, 20770
or any other electronic means prescribed by the commissioner. 20771
Payment of the tax shown on the return to be due shall be made 20772
electronically in a manner approved by the commissioner. The 20773
commissioner may require a vendor that operates from multiple 20774
locations or has multiple vendor's licenses to report all tax 20775
liabilities on one consolidated return. The return shall show the 20776
amount of tax due from the vendor to the state for the period 20777
covered by the return and such other information as the 20778
commissioner deems necessary for the proper administration of this 20779
chapter. The commissioner may extend the time for making and 20780
filing returns and paying the tax, and may require that the return 20781
for the last month of any annual or semiannual period, as 20782
determined by the commissioner, be a reconciliation return 20783
detailing the vendor's sales activity for the preceding annual or 20784
semiannual period. The reconciliation return shall be filed by the 20785
last day of the month following the last month of the annual or 20786
semiannual period. The commissioner may remit all or any part of 20787
amounts or penalties that may become due under this chapter and 20788
may adopt rules relating thereto. Such return shall be filed 20789
electronically as directed by ~~mailing it to~~ the tax commissioner, 20790
~~together with~~ and payment of the amount of tax shown to be due 20791
thereon, after deduction of any discount provided for under this 20792
section. ~~Remittance,~~ shall be made ~~payable to the treasurer of~~ 20793
~~state. The return shall be considered filed when received by the~~ 20794
~~tax commissioner, and the payment shall be considered made when~~ 20795

~~received by the tax commissioner or when credited to an account~~ 20796
~~designated by the treasurer of state or electronically in a manner~~ 20797
~~approved by the tax commissioner.~~ 20798

(2) Any person required to file returns and make payments 20799
electronically under division (A)(1) of this section may apply to 20800
the tax commissioner on a form prescribed by the commissioner to 20801
be excused from that requirement. For good cause shown, the 20802
commissioner may excuse the person from that requirement and may 20803
permit the person to file the returns and make the payments 20804
required by this section by nonelectronic means. 20805

(B)(1) If the return is filed and the amount of tax shown 20806
thereon to be due is paid on or before the date such return is 20807
required to be filed, the vendor shall be entitled to a discount 20808
of: 20809

~~(a) On and after July 1, 2005, and on and before June 30,~~ 20810
~~2007, nine tenths of one per cent of the amount shown to be due on~~ 20811
~~the return;~~ 20812

~~(b) On and after July 1, 2007, three-fourths of one per cent~~ 20813
~~of the amount shown to be due on the return.~~ 20814

(2) A vendor that has selected a certified service provider 20815
as its agent shall not be entitled to the discount if the 20816
certified service provider receives a monetary allowance pursuant 20817
to section 5739.06 of the Revised Code for performing the vendor's 20818
sales and use tax functions in this state. Amounts paid to the 20819
clerk of courts pursuant to section 4505.06 of the Revised Code 20820
shall be subject to the applicable discount. The discount shall be 20821
in consideration for prompt payment to the clerk of courts and for 20822
other services performed by the vendor in the collection of the 20823
tax. 20824

(C)(1) Upon application to the tax commissioner, a vendor who 20825
is required to file monthly returns may be relieved of the 20826

requirement to report and pay the actual tax due, provided that 20827
the vendor agrees to remit to the ~~tax~~ commissioner payment of not 20828
less than an amount determined by the commissioner to be the 20829
average monthly tax liability of the vendor, based upon a review 20830
of the returns or other information pertaining to such vendor for 20831
a period of not less than six months nor more than two years 20832
immediately preceding the filing of the application. Vendors who 20833
agree to the above conditions shall make and file an annual or 20834
semiannual reconciliation return, as prescribed by the 20835
commissioner. The reconciliation return shall be filed 20836
electronically as directed by ~~mailing or delivering it to~~ the tax 20837
commissioner, ~~together with~~ and payment of the amount of tax shown 20838
to be due thereon, after deduction of any discount provided in 20839
this section. ~~Remittance,~~ shall be made ~~payable to the treasurer~~ 20840
~~of state~~ electronically in a manner approved by the commissioner. 20841
Failure of a vendor to comply with any of the above conditions may 20842
result in immediate reinstatement of the requirement of reporting 20843
and paying the actual tax liability on each monthly return, and 20844
the commissioner may at the commissioner's discretion deny the 20845
vendor the right to report and pay based upon the average monthly 20846
liability for a period not to exceed two years. The amount 20847
ascertained by the commissioner to be the average monthly tax 20848
liability of a vendor may be adjusted, based upon a review of the 20849
returns or other information pertaining to the vendor for a period 20850
of not less than six months nor more than two years preceding such 20851
adjustment. 20852

(2) The commissioner may authorize vendors whose tax 20853
liability is not such as to merit monthly returns, as ascertained 20854
by the commissioner upon the basis of administrative costs to the 20855
state, to make and file returns at less frequent intervals. When 20856
returns are filed at less frequent intervals in accordance with 20857
such authorization, the vendor shall be allowed the discount 20858
provided in this section in consideration for prompt payment with 20859

the return, provided the return is filed ~~together with~~ and payment 20860
is made of the amount of tax shown to be due thereon, at the time 20861
specified by the commissioner, but a vendor that has selected a 20862
certified service provider as its agent shall not be entitled to 20863
the discount. 20864

(D) Any vendor who fails to file a return or to pay the full 20865
amount of the tax shown on the return to be due in the manner 20866
prescribed under this section and the rules of the commissioner 20867
may, for each such return ~~the vendor fails to file or each such~~ 20868
~~tax the vendor fails to pay in full as shown on the return within~~ 20869
~~the period prescribed by this section and the rules of the~~ 20870
~~commissioner~~, be required to forfeit and pay into the state 20871
treasury an additional charge not exceeding fifty dollars or ten 20872
per cent of the tax required to be paid for the reporting period, 20873
whichever is greater, as revenue arising from the tax imposed by 20874
this chapter, and such sum may be collected by assessment in the 20875
manner provided in section 5739.13 of the Revised Code. The 20876
commissioner may remit all or a portion of the additional charge 20877
and may adopt rules relating to the imposition and remission of 20878
the additional charge. 20879

(E) If the amount required to be collected by a vendor from 20880
consumers is in excess of the applicable percentage of the 20881
vendor's receipts from sales that are taxable under section 20882
5739.02 of the Revised Code, or in the case of sales subject to a 20883
tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of 20884
the Revised Code, in excess of the percentage equal to the 20885
aggregate rate of such taxes and the tax levied by section 5739.02 20886
of the Revised Code, such excess shall be remitted along with the 20887
remittance of the amount of tax due under section 5739.10 of the 20888
Revised Code. 20889

(F) The commissioner, if the commissioner deems it necessary 20890
in order to insure the payment of the tax imposed by this chapter, 20891

may require returns and payments to be made for other than monthly 20892
periods. ~~The returns shall be signed by the vendor or the vendor's~~ 20893
~~authorized agent.~~ 20894

(G) Any vendor required to file a return and pay the tax 20895
under this section, whose total payment for a year equals or 20896
exceeds the amount shown in division (A) of section 5739.122 of 20897
the Revised Code, ~~shall make each payment required by this section~~ 20898
~~in the second ensuing and each succeeding year by electronic funds~~ 20899
~~transfer as prescribed by, and on or before the dates specified~~ 20900
~~in, section 5739.122 of the Revised Code, except as otherwise~~ 20901
~~prescribed by~~ is subject to the accelerated tax payment 20902
requirements in divisions (B) and (C) of that section. For a 20903
vendor that operates from multiple locations or has multiple 20904
vendor's licenses, in determining whether the vendor's total 20905
payment equals or exceeds the amount shown in division (A) of that 20906
section, the vendor's total payment amount shall be the amount of 20907
the vendor's total tax liability for the previous calendar year 20908
for all of the vendor's locations or licenses. 20909

Sec. 5739.122. (A) If the total amount of tax required to be 20910
paid by a vendor under section 5739.12 of the Revised Code for any 20911
calendar year equals or exceeds seventy-five thousand dollars, the 20912
vendor shall remit each monthly tax payment in the second ensuing 20913
and each succeeding tax year ~~by electronic funds transfer~~ on an 20914
accelerated basis as prescribed by divisions (B) and (C) of this 20915
section. 20916

If a vendor's tax payment for each of two consecutive years 20917
is less than seventy-five thousand dollars, the vendor is relieved 20918
of the requirement to remit taxes ~~by electronic funds transfer~~ in 20919
the manner prescribed by this section for the year that next 20920
follows the second of the consecutive years in which the tax 20921
payment is less than that amount, and is relieved of that 20922

requirement for each succeeding year, unless the tax payment in a 20923
subsequent year equals or exceeds seventy-five thousand dollars. 20924

The tax commissioner shall notify each vendor required to 20925
~~remit taxes by electronic funds transfer~~ make accelerated tax 20926
payments of the vendor's obligation to do so, and shall maintain 20927
an updated list of those vendors, ~~and shall timely certify the~~ 20928
~~list and any additions thereto or deletions therefrom to the~~ 20929
~~treasurer of state.~~ Failure by the tax commissioner to notify a 20930
vendor subject to this section to remit taxes ~~by electronic funds~~ 20931
~~transfer~~ on an accelerated basis does not relieve the vendor of 20932
its obligation to remit taxes ~~by electronic funds transfer~~ as 20933
provided under division (B) of this section. 20934

(B) Vendors required by division (A) of this section to ~~remit~~ 20935
make accelerated tax payments ~~by electronic funds transfer~~ shall 20936
electronically remit such payments to the ~~treasurer of state~~ tax 20937
commissioner in the a manner ~~prescribed by this section and rules~~ 20938
~~adopted~~ approved by the ~~treasurer of state under section 113.061~~ 20939
~~of the Revised Code, and commissioner,~~ as follows: 20940

(1) On or before the twenty-third day of each month, a vendor 20941
shall remit an amount equal to seventy-five per cent of the 20942
anticipated tax liability for that month. 20943

(2) On or before the twenty-third day of each month, a vendor 20944
shall report the taxes collected for the previous month and shall 20945
remit that amount, less any amounts paid for that month as 20946
required by division (B)(1) of this section. 20947

The payment of taxes ~~by electronic funds transfer~~ on an 20948
accelerated basis under this section does not affect a vendor's 20949
obligation to file ~~the monthly return~~ returns and pay the tax 20950
shown on the returns to be due as required under section 5739.12 20951
of the Revised Code. 20952

(C) A vendor required by this section to remit taxes ~~by~~ 20953

~~electronic funds transfer on an accelerated basis~~ may apply to the 20954
~~treasurer of state tax commissioner,~~ in the manner prescribed by 20955
the ~~treasurer of state commissioner,~~ to be excused from that 20956
requirement. The ~~treasurer of state commissioner~~ may excuse the 20957
vendor from remittance ~~by electronic funds transfer on an~~ 20958
~~accelerated basis~~ for good cause shown for the period of time 20959
requested by the vendor or for a portion of that period. ~~The~~ 20960
~~treasurer of state shall notify the tax commissioner and the~~ 20961
~~vendor of the treasurer of state's decision as soon as is~~ 20962
~~practicable.~~ 20963

(D)(1)(a) If a vendor that is required to remit payments 20964
under division (B) of this section fails to make a payment 20965
~~required under division (B)(1) of this section,~~ or makes a payment 20966
under division (B)(1) of this section that is less than 20967
seventy-five per cent of the actual liability for that month, the 20968
commissioner may impose an additional charge not to exceed five 20969
per cent of that unpaid amount. 20970

(b) Division (D)(1)(a) of this section does not apply if the 20971
vendor's payment under division (B)(1) of this section is equal to 20972
or greater than seventy-five per cent of the vendor's reported 20973
liability for the same month in the immediately preceding calendar 20974
year. 20975

(2) ~~If a vendor required by this section to remit taxes by~~ 20976
~~electronic funds transfer remits those taxes by some means other~~ 20977
~~than by electronic funds transfer as prescribed by this section~~ 20978
~~and the rules adopted by the treasurer of state, and the treasurer~~ 20979
~~of state determines that such failure was not due to reasonable~~ 20980
~~cause or was due to willful neglect, the treasurer of state shall~~ 20981
~~notify the tax commissioner of the failure to remit by electronic~~ 20982
~~funds transfer and shall provide the commissioner with any~~ 20983
~~information used in making that determination. The tax~~ 20984
~~commissioner may impose an additional charge not to exceed the~~ 20985

~~lesser of five per cent of the amount of the taxes required to be paid by electronic funds transfer or five thousand dollars.~~

~~(3)~~ Any additional charge imposed under division (D)(1) ~~or~~ ~~(2)~~ of this section is in addition to any other penalty or charge imposed under this chapter, and shall be considered as revenue arising from taxes imposed under this chapter. An additional charge may be collected by assessment in the manner prescribed by section 5739.13 of the Revised Code. The tax commissioner may waive all or a portion of such a charge and may adopt rules governing such waiver.

~~No additional charge shall be imposed under division (D)(2) of this section against a vendor that has been notified of its obligation to remit taxes under this section and that remits its first two tax payments after such notification by some means other than electronic funds transfer. The additional charge may be imposed upon the remittance of any subsequent tax payment that the vendor remits by some means other than electronic funds transfer.~~

Sec. 5739.124. (A) If required by the tax commissioner, a person permit holder required to make payments ~~by electronic funds transfer~~ under section 5739.032 ~~or 5739.122~~ of the Revised Code shall file all returns and reports electronically. The commissioner may require the person permit holder to use the Ohio business gateway, as defined in section 718.051 of the Revised Code, or any other electronic means approved by the commissioner, to file the returns and reports, or to remit the tax, in lieu of the manner prescribed ~~by the treasurer of state under sections section~~ section 5739.032 ~~and 5739.122~~ of the Revised Code.

(B) A person required under this section to file reports and returns electronically may apply to the tax commissioner to be excused from that requirement. Applications shall be made on a form prescribed by the commissioner. The commissioner may approve

the application for good cause. 21017

(C)(1) If a person required to file a report or return 21018
electronically under this section fails to do so, the tax 21019
commissioner may impose an additional charge not to exceed the 21020
following: 21021

(a) For each of the first two failures, five per cent of the 21022
amount required to be reported on the report or return; 21023

(b) For the third and any subsequent failure, ten per cent of 21024
the amount required to be reported on the report or return. 21025

(2) The charges authorized under division (C)(1) of this 21026
section are in addition to any other charge or penalty authorized 21027
under this chapter, and shall be considered as revenue arising 21028
from taxes imposed under this chapter. An additional charge may be 21029
collected by assessment in the manner prescribed by section 21030
5739.13 of the Revised Code. The commissioner may waive all or a 21031
portion of such a charge and may adopt rules governing such 21032
waiver. 21033

Sec. 5739.21. (A) One hundred per cent of all money deposited 21034
into the state treasury under sections 5739.01 to 5739.31 of the 21035
Revised Code ~~and that is~~ not required to be distributed as 21036
provided in section 5739.102 of the Revised Code or division (B) 21037
of this section shall be credited to the general revenue fund. 21038
21039

(B)(1) In any case where any county or transit authority has 21040
levied a tax or taxes pursuant to section 5739.021, 5739.023, or 21041
5739.026 of the Revised Code, the tax commissioner shall, within 21042
forty-five days after the end of each month, determine and certify 21043
to the director of budget and management the amount of the 21044
proceeds of such tax or taxes received during that month from 21045
billings and assessments, or associated with tax returns or 21046

reports filed during that month, to be returned to the county or 21047
transit authority levying the tax or taxes. The amount to be 21048
returned to each county and transit authority shall be a fraction 21049
of the aggregate amount of money collected with respect to each 21050
area in which one or more of such taxes are concurrently in effect 21051
with the tax levied by section 5739.02 of the Revised Code. The 21052
numerator of the fraction is the rate of the tax levied by the 21053
county or transit authority and the denominator of the fraction is 21054
the aggregate rate of such taxes applicable to such area. The 21055
amount to be returned to each county or transit authority shall be 21056
reduced by the amount of any refunds of county or transit 21057
authority tax paid pursuant to section 5739.07 of the Revised Code 21058
during the same month, or transfers made pursuant to division 21059
(B)(2) of section 5703.052 of the Revised Code. 21060

(2) On a periodic basis, using the best information 21061
available, the tax commissioner shall distribute any amount of a 21062
county or transit authority tax that cannot be distributed under 21063
division (B)(1) of this section. Through audit or other means, the 21064
commissioner shall attempt to obtain the information necessary to 21065
make the distribution as provided under that division and, on 21066
receipt of that information, shall make adjustments to 21067
distributions previously made under this division. 21068

(3) Beginning July 1, 2008, eight and thirty-three 21069
one-hundredths of one per cent of the revenue collected from the 21070
tax due under division (A) of section 5739.029 of the Revised Code 21071
shall be distributed to the county where the sale of the motor 21072
vehicle is sitused under section 5739.035 of the Revised Code. The 21073
amount to be so distributed to the county shall be apportioned on 21074
the basis of the rates of taxes the county levies pursuant to 21075
sections 5739.021 and 5739.026 of the Revised Code, as applicable, 21076
and shall be credited to the funds of the county as provided in 21077
divisions (A) and (B) of section 5739.211 of the Revised Code. 21078

(C) The aggregate amount to be returned to any county or transit authority shall be reduced by one per cent, which shall be certified directly to the credit of the local sales tax administrative fund, which is hereby created in the state treasury. For the purpose of determining the amount to be returned to a county and transit authority in which the rate of tax imposed by the transit authority has been reduced under section 5739.028 of the Revised Code, the tax commissioner shall use the respective rates of tax imposed by the county or transit authority that results from the change in the rates authorized under that section.

(D) The director of budget and management shall transfer, from the same funds and in the same proportions specified in division (A) of this section, to the permissive tax distribution fund created by division (B)(1) of section 4301.423 of the Revised Code and to the local sales tax administrative fund, the amounts certified by the tax commissioner. The tax commissioner shall then, on or before the twentieth day of the month in which such certification is made, provide for payment of such respective amounts to the county treasurer and to the fiscal officer of the transit authority levying the tax or taxes. The amount transferred to the local sales tax administrative fund is for use by the tax commissioner in defraying costs incurred in administering such taxes levied by a county or transit authority.

Sec. 5741.04. Every seller required to register with the tax commissioner pursuant to section 5741.17 of the Revised Code who is engaged in the business of selling tangible personal property in this state for storage, use, or other consumption in this state, to which section 5741.02 of the Revised Code applies, or which is subject to a tax levied pursuant to section 5741.021, 5741.022, or 5741.023 of the Revised Code, shall, and any other seller who is authorized by rule of the tax commissioner to do so

may, collect from the consumer the full and exact amount of the 21111
tax payable on each such storage, use, or consumption, in the 21112
manner and at the times provided as follows: 21113

(A) If the price is, at or prior to the delivery of 21114
possession of the thing sold to the consumer, paid in currency 21115
passed from hand to hand by the consumer, or ~~his~~ the consumer's 21116
agent, to the seller, or ~~his~~ the seller's agent, the seller or ~~his~~ 21117
the seller's agent shall collect the tax with and at the same time 21118
as the price. 21119

(B) If the price is otherwise paid or to be paid, the seller 21120
or ~~his~~ the seller's agent shall, at or prior to the delivery of 21121
possession of the thing sold to the consumer, charge the tax 21122
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 21123
5741.023 of the Revised Code to the account of the consumer, which 21124
amount shall be collected by the seller from the consumer in 21125
addition to the price. Such transaction shall be reported on the 21126
return for the period in which the transaction occurred, and the 21127
amount of tax applicable to the transaction shall be remitted with 21128
the return or, if the consumer is subject to section 5741.121 of 21129
the Revised Code, ~~by electronic funds transfer as~~ in the manner 21130
prescribed by that section. The amount of the tax shall become a 21131
legal charge in favor of the seller and against the consumer. 21132

(C) It shall be the obligation of each consumer, as required 21133
by section 5741.12 of the Revised Code, to report and pay the 21134
taxes levied by sections 5741.021, 5741.022, and 5741.023 of the 21135
Revised Code, if applicable, on any storage, use, or other 21136
consumption of tangible personal property purchased in this state 21137
from a vendor required to be licensed pursuant to section 5739.17 21138
of the Revised Code. 21139

Sec. 5741.12. (A) Each seller required by section 5741.17 of 21140
the Revised Code to register with the tax commissioner, and any 21141

seller authorized by the commissioner to collect the tax imposed 21142
by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 21143
of the Revised Code is subject to the same requirements and 21144
entitled to the same deductions and discount for prompt payments 21145
as are vendors under section 5739.12 of the Revised Code, and the 21146
same monetary allowances as are vendors under section 5739.06 of 21147
the Revised Code. The powers and duties of the commissioner ~~and~~ 21148
~~the treasurer of state~~ with respect to returns and tax remittances 21149
under this section shall be identical with those prescribed in 21150
section 5739.12 of the Revised Code. 21151

(B) Every person storing, using, or consuming tangible 21152
personal property or receiving the benefit of a service, the 21153
storage, use, consumption, or receipt of which is subject to the 21154
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 21155
or 5741.023 of the Revised Code, when such tax was not paid to a 21156
seller, shall, on or before the twenty-third day of each month, 21157
file with the tax commissioner a return for the preceding month in 21158
such form as is prescribed by the commissioner, showing such 21159
information as the commissioner deems necessary, and shall pay the 21160
tax shown on the return to be due. Remittance shall be made 21161
payable to the treasurer of state. The commissioner may require 21162
consumers to file returns and pay the tax at other than monthly 21163
intervals, if the commissioner determines that such filing is 21164
necessary for the efficient administration of the tax. If the 21165
commissioner determines that a consumer's tax liability is not 21166
such as to merit monthly filing, the commissioner may authorize 21167
the consumer to file returns and pay tax at less frequent 21168
intervals. 21169

Any consumer required to file a return and pay the tax under 21170
this section whose payment for any year ~~indicated in~~ equals or 21171
exceeds the amount shown in division (A) of section 5741.121 of 21172
the Revised Code ~~equals or exceeds the amount shown in that~~ 21173

~~section shall make each payment required by this section in the~~ 21174
~~second ensuing and each succeeding year by means of electronic~~ 21175
~~funds transfer as prescribed by, and on or before the dates~~ 21176
~~specified in, section 5741.121 of the Revised Code, except as~~ 21177
~~otherwise prescribed by~~ is subject to the accelerated tax payment 21178
requirements in divisions (B) and (C) of that section. 21179

(C) Every person storing, using, or consuming a motor 21180
vehicle, watercraft, or outboard motor, the ownership of which 21181
must be evidenced by certificate of title, shall file the return 21182
required by this section and pay the tax due at or prior to the 21183
time of filing an application for certificate of title. 21184

Sec. 5741.121. (A) If the total amount of tax required to be 21185
paid by a seller or consumer under section 5741.12 of the Revised 21186
Code for any year equals or exceeds seventy-five thousand dollars, 21187
the seller or consumer shall remit each monthly tax payment in the 21188
second ensuing and each succeeding year ~~by electronic funds~~ 21189
~~transfer~~ on an accelerated basis as prescribed by division (B) of 21190
this section. 21191

If a seller's or consumer's tax payment for each of two 21192
consecutive years is less than seventy-five thousand dollars, the 21193
seller or consumer is relieved of the requirement to remit taxes 21194
~~by electronic funds transfer~~ on an accelerated basis for the year 21195
that next follows the second of the consecutive years in which the 21196
tax payment is less than that amount, and is relieved of that 21197
requirement for each succeeding year, unless the tax payment in a 21198
subsequent year equals or exceeds seventy-five thousand dollars. 21199

The tax commissioner shall notify each seller or consumer 21200
required to ~~remit taxes by electronic funds transfer~~ make 21201
accelerated tax payments of the seller's or consumer's obligation 21202
to do so, and shall maintain an updated list of those sellers and 21203
consumers, ~~and shall timely certify the list and any additions~~ 21204

~~thereto or deletions therefrom to the treasurer of state.~~ Failure 21205
by the tax commissioner to notify a seller or consumer subject to 21206
this section to remit taxes ~~by electronic funds transfer on an~~ 21207
accelerated basis does not relieve the seller or consumer of the 21208
obligation to remit taxes ~~by electronic funds transfer as provided~~ 21209
under division (B) of this section. 21210

(B) Sellers and consumers required by division (A) of this 21211
section to ~~remit~~ make accelerated tax payments ~~by electronic funds~~ 21212
~~transfer~~ shall electronically remit such payments to the ~~treasurer~~ 21213
~~of state tax commissioner,~~ in the a manner ~~prescribed by this~~ 21214
~~section and rules adopted~~ approved by the ~~treasurer of state under~~ 21215
~~section 113.061 of the Revised Code, and~~ commissioner, as follows: 21216
21217

(1) On or before the twenty-third day of each month, a seller 21218
or consumer shall remit an amount equal to seventy-five per cent 21219
of the anticipated tax liability for that month. 21220

(2) On or before the twenty-third day of each month, a seller 21221
shall report the taxes collected and a consumer shall report the 21222
taxes due for the previous month and shall remit that amount, less 21223
any amounts paid for that month as required by division (B)(1) of 21224
this section. 21225

The payment of taxes ~~by electronic funds transfer on an~~ 21226
accelerated basis under this section does not affect a seller's or 21227
consumer's obligation to file ~~the monthly return~~ returns and pay 21228
the tax shown on the returns to be due as required under section 21229
5741.12 of the Revised Code. 21230

(C) A seller or consumer required by this section to remit 21231
taxes ~~by electronic funds transfer on an accelerated basis~~ may 21232
apply to the ~~treasurer of state~~ tax commissioner in the manner 21233
prescribed by the ~~treasurer of state~~ commissioner to be excused 21234
from that requirement. The ~~treasurer of state~~ commissioner may 21235

~~excuse the seller or consumer from remittance by electronic funds transfer on an accelerated basis for good cause shown for the period of time requested by the seller or consumer or for a portion of that period. The treasurer of state shall notify the tax commissioner and the seller or consumer of the treasurer of state's decision as soon as is practicable.~~

(D)(1)(a) If a seller or consumer that is required to remit payments under division (B) of this section fails to make a payment required under division (B)(1) of this section, or makes a payment under division (B)(1) of this section that is less than seventy-five per cent of the actual liability for that month, the commissioner may impose an additional charge not to exceed five per cent of that unpaid amount.

(b) Division (D)(1)(a) of this section does not apply if the seller's or consumer's payment under division (B)(1) of this section is equal to or greater than seventy-five per cent of the seller's or consumer's reported liability for the same month in the immediately preceding calendar year.

~~(2) If a seller or consumer required by this section to remit taxes by electronic funds transfer remits those taxes by some means other than by electronic funds transfer as prescribed by the rules adopted by the treasurer of state, and the treasurer of state determines that such failure was not due to reasonable cause or was due to willful neglect, the treasurer of state shall notify the tax commissioner of the failure to remit by electronic funds transfer and shall provide the commissioner with any information used in making that determination. The tax commissioner may impose an additional charge not to exceed the lesser of five per cent of the amount of the taxes required to be paid by electronic funds transfer or five thousand dollars.~~

~~(3)~~ Any additional charge imposed under division (D)(1) of this section is in addition to any other penalty or charge imposed

under this chapter, and shall be considered as revenue arising 21268
from taxes imposed under this chapter. An additional charge may be 21269
collected by assessment in the manner prescribed by section 21270
5741.13 of the Revised Code. The tax commissioner may waive all or 21271
a portion of such a charge and may adopt rules governing such 21272
waiver. 21273

~~No additional charge shall be imposed under division (D)(2) 21274
of this section against a seller or consumer that has been 21275
notified of the obligation to remit taxes under this section and 21276
that remits its first two tax payments after such notification by 21277
some means other than electronic funds transfer. The additional 21278
charge may be imposed upon the remittance of any subsequent tax 21279
payment that the seller or consumer remits by some means other 21280
than electronic funds transfer. 21281~~

Sec. 5741.122. (A) If required by the tax commissioner, a 21282
person required to make payments ~~by electronic funds transfer~~ 21283
under section ~~5739.032~~ or 5741.121 of the Revised Code shall file 21284
all returns and reports electronically. The commissioner may 21285
require the person to use the Ohio business gateway, as defined in 21286
section 718.051 of the Revised Code, or any other electronic means 21287
approved by the commissioner, to file the returns and reports, or 21288
to remit the tax, in lieu of the manner prescribed ~~by the~~ 21289
~~treasurer of state~~ under ~~sections 5739.032 and~~ section 5741.121 of 21290
the Revised Code. 21291

(B) A person required under this section to file reports and 21292
returns electronically may apply to the tax commissioner to be 21293
excused from that requirement. Applications shall be made on a 21294
form prescribed by the commissioner. The commissioner may approve 21295
the application for good cause. 21296

(C)(1) If a person required to file a report or return 21297
electronically under this section fails to do so, the tax 21298

commissioner may impose an additional charge not to exceed the 21299
following: 21300

(a) For each of the first two failures, five per cent of the 21301
amount required to be reported on the report or return; 21302

(b) For the third and any subsequent failure, ten per cent of 21303
the amount required to be reported on the report or return. 21304

(2) The charges authorized under division (C)(1) of this 21305
section are in addition to any other charge or penalty authorized 21306
under this chapter, and shall be considered as revenue arising 21307
from taxes imposed under this chapter. An additional charge may be 21308
collected by assessment in the manner prescribed by section 21309
5741.13 of the Revised Code. The commissioner may waive all or a 21310
portion of such a charge and may adopt rules governing such 21311
waiver. 21312

Sec. 5743.021. (A) As used in this section, "qualifying 21313
regional arts and cultural district" means a regional arts and 21314
cultural district created under section 3381.04 of the Revised 21315
Code in a county having a population of one million two hundred 21316
thousand or more according to the 2000 federal decennial census. 21317

(B) For one or more of the purposes for which a tax may be 21318
levied under section 3381.16 of the Revised Code and for the 21319
purposes of paying the expenses of administering the tax and the 21320
expenses charged by a board of elections to hold an election on a 21321
question submitted under this section, the board of county 21322
commissioners of a county that has within its territorial 21323
boundaries a qualifying regional arts and cultural district may 21324
levy a tax on the sale of cigarettes sold for resale at retail in 21325
the county composing the district. The rate of the tax, when added 21326
to the rate of any other tax concurrently levied by the board 21327
under this section, shall not exceed fifteen mills per cigarette, 21328
and shall be computed on each cigarette sold. Only one sale of the 21329

same article shall be used in computing the amount of tax due. The 21330
tax may be levied for any number of years not exceeding ten years. 21331

The tax shall be levied pursuant to a resolution of the board 21332
of county commissioners approved by a majority of the electors in 21333
the county voting on the question of levying the tax. The 21334
resolution shall specify the rate of the tax, the number of years 21335
the tax will be levied, and the purposes for which the tax is 21336
levied. The election may be held on the date of a general, 21337
primary, or special election held not sooner than seventy-five 21338
days after the date the board certifies its resolution to the 21339
board of elections. If approved by the electors, the tax shall 21340
take effect on the first day of the month specified in the 21341
resolution but not sooner than the first day of the month that is 21342
at least sixty days after the certification of the election 21343
results by the board of elections. A copy of the resolution 21344
levying the tax shall be certified to the tax commissioner at 21345
least sixty days prior to the date on which the tax is to become 21346
effective. 21347

(C) The form of the ballot in an election held under this 21348
section shall be as follows, or in any other form acceptable to 21349
the secretary of state: 21350

"For the purpose of (insert the purpose or 21351
purposes of the tax), shall an excise tax be levied throughout 21352
..... County for the benefit of the (name of the 21353
qualifying regional arts and cultural district) on the sale of 21354
cigarettes at wholesale at the rate of mills per cigarette 21355
for years? 21356

	For the tax	
	Against the tax	"

(D) The treasurer of state shall credit all moneys arising 21360

from taxes levied on behalf of each district under this section 21361
and section 5743.321 of the Revised Code as follows: 21362

(1) To the tax refund fund created by section 5703.052 of the 21363
Revised Code, amounts equal to the refunds from each tax levied 21364
under this section certified by the tax commissioner pursuant to 21365
section 5743.05 of the Revised Code; 21366

(2) Following the crediting of amounts pursuant to division 21367
(D)(1) of this section: 21368

(a) To the permissive tax distribution fund created under 21369
section 4301.423 of the Revised Code, an amount equal to 21370
ninety-eight per cent of the remainder collected; 21371

(b) To the local excise tax administrative fund, which is 21372
hereby created in the state treasury, an amount equal to two per 21373
cent of such remainder, for use by the tax commissioner in 21374
defraying costs incurred in administering the tax. 21375

On or before the second working day of each month, the 21376
treasurer of state shall certify to the tax commissioner the 21377
amount of taxes levied on behalf of each district under sections 21378
5743.021 and 5743.321 of the Revised Code and paid to the 21379
treasurer of state during the preceding month. 21380

On or before the tenth day of each month, the tax 21381
commissioner shall distribute the amount credited to the 21382
permissive tax distribution fund during the preceding month by 21383
providing for payment of the appropriate amount to the county 21384
treasurer of the county in which the tax is levied. 21385

(E) No tax shall be levied under this section on or after the 21386
effective date of the amendment of this section by the capital 21387
appropriations act of the 127th general assembly. This division 21388
does not prevent the collection of any tax levied under this 21389
section before that date so long as that tax remains effective. 21390

Sec. 5743.024. (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 such purposes and to provide revenues to the county for permanent improvements, the board of county commissioners may levy a tax on sales of cigarettes sold for resale at retail in the county. The tax shall not exceed two and twenty-five hundredths of a mill per cigarette, and shall be computed on each cigarette sold. The tax may be levied for any number of years not exceeding twenty. Only one sale of the same article shall be used in computing 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. The 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. Such election may be held on the date of a general or special election held not sooner than seventy-five days after the date the board certifies its resolution to the board of elections. If approved by the electors, the tax shall take effect on the first day of the month specified in the resolution but not sooner than the first day of the month that is at least sixty days after the certification of the election results by the board of elections. A copy of the resolution levying the tax shall be certified to the tax commissioner at least sixty days prior to the date on which the tax is to become effective.

A resolution under this section may be joined on the ballot as a single question with a resolution adopted under section 307.697 or 4301.421 of the Revised Code to levy a tax for the same purposes and for the purpose of paying the expenses of administering the tax. The form of the ballot in an election held

pursuant to this section shall be as prescribed in section 307.697 21423
of the Revised Code. 21424

(B) The treasurer of state shall credit all moneys arising 21425
from each county's taxes levied under this section and section 21426
5743.323 of the Revised Code as follows: 21427

(1) To the tax refund fund created by section 5703.052 of the 21428
Revised Code, amounts equal to the refunds from each tax levied 21429
under this section certified by the tax commissioner pursuant to 21430
section 5743.05 of the Revised Code; 21431

(2) Following the crediting of amounts pursuant to division 21432
(B)(1) of this section: 21433

(a) To the permissive tax distribution fund created by 21434
division (B)(1) of section 4301.423 of the Revised Code, an amount 21435
equal to ninety-eight per cent of the remainder collected; 21436

(b) To the local excise tax administrative fund, which is 21437
hereby created in the state treasury, an amount equal to two per 21438
cent of such remainder, for use by the tax commissioner in 21439
defraying costs incurred in administering the tax. 21440

On or before the second working day of each month, the 21441
treasurer of state shall certify to the tax commissioner the 21442
amount of each county's taxes levied under sections 5743.024 and 21443
5743.323 and paid to the treasurer of state during the preceding 21444
month. 21445

On or before the tenth day of each month, the tax 21446
commissioner shall distribute the amount credited to the 21447
permissive tax distribution fund during the preceding month by 21448
providing for payment of the appropriate amount to the county 21449
treasurer of each county levying the tax. 21450

(C) The board of county commissioners of a county in which a 21451
tax is imposed under this section on ~~the effective date of this~~ 21452

~~amendment July 19, 1995,~~ may levy a tax for the purpose of section 21453
307.673 of the Revised Code regardless of whether or not the 21454
cooperative agreement authorized under that section has been 21455
entered into prior to the day the resolution adopted under 21456
division (C)(1) or (2) of this section is adopted, and for the 21457
purpose of reimbursing a county for costs incurred in the 21458
construction of a sports facility pursuant to an agreement entered 21459
into by the county under section 307.696 of the Revised Code. The 21460
tax shall be levied and approved in one of the manners prescribed 21461
by division (C)(1) or (2) of this section. 21462

(1) The tax may be levied pursuant to a resolution adopted by 21463
a majority of the members of the board of county commissioners not 21464
later than forty-five days after ~~the effective date of this~~ 21465
~~amendment July 19, 1995.~~ A board of county commissioners approving 21466
a tax under division (C)(1) of this section may approve a tax 21467
under division (D)(1) of section 307.697 or division (B)(1) of 21468
section 4301.421 of the Revised Code at the same time. Subject to 21469
the resolution being submitted to a referendum under sections 21470
305.31 to 305.41 of the Revised Code, the resolution shall take 21471
effect immediately, but the tax levied pursuant to the resolution 21472
shall not be levied prior to the day following the last day taxes 21473
levied pursuant to division (A) of this section may be levied. 21474

(2) The tax may be levied pursuant to a resolution adopted by 21475
a majority of the members of the board of county commissioners not 21476
later than forty-five days after ~~the effective date of this~~ 21477
~~amendment July 19, 1995,~~ and approved by a majority of the 21478
electors of the county voting on the question of levying the tax 21479
at the next succeeding general election following ~~the effective~~ 21480
~~date of this amendment July 19, 1995.~~ The board of county 21481
commissioners shall certify a copy of the resolution to the board 21482
of elections immediately upon adopting a resolution under division 21483
(C)(2) of this section, and the board of elections shall place the 21484

question of levying the tax on the ballot at that election. The 21485
form of the ballot shall be as prescribed by division (C) of 21486
section 307.697 of the Revised Code, except that the phrase 21487
"paying not more than one-half of the costs of providing a sports 21488
facility together with related redevelopment and economic 21489
development projects" shall be replaced by the phrase "paying the 21490
costs of constructing or renovating a sports facility and 21491
reimbursing a county for costs incurred by the county in the 21492
construction of a sports facility," and the phrase ", beginning 21493
..... (here insert the earliest date the tax would take 21494
effect)" shall be appended after "years." A board of county 21495
commissioners submitting the question of a tax under division 21496
(C)(2) of this section may submit the question of a tax under 21497
division (D)(2) of section 307.697 or division (B)(2) of section 21498
4301.421 of the Revised Code as a single question, and the form of 21499
the ballot shall include each of the proposed taxes. 21500

If approved by a majority of electors voting on the question, 21501
the tax shall take effect on the day specified on the ballot, 21502
which shall not be earlier than the day following the last day the 21503
tax levied pursuant to division (A) of this section may be levied. 21504

The rate of a tax levied pursuant to division (C)(1) or (2) 21505
of this section shall not exceed the rate specified in division 21506
(A) of this section. A tax levied pursuant to division (C)(1) or 21507
(2) of this section may be levied for any number of years not 21508
exceeding twenty. 21509

A board of county commissioners adopting a resolution under 21510
this division shall certify a copy of the resolution to the tax 21511
commissioner immediately upon adoption of the resolution. 21512

(E) No tax shall be levied under this section on or after the 21513
effective date of the amendment of this section by the capital 21514
appropriations act of the 127th general assembly. This division 21515
does not prevent the collection of any tax levied under this 21516

section before that date so long as that tax remains effective. 21517

Sec. 5743.321. For the same purposes for which it levies a 21518
tax under section 5743.021 of the Revised Code, the board of 21519
county commissioners of a county that has within its territorial 21520
boundaries a qualifying regional arts and cultural district and 21521
that levies a tax under that section, by resolution adopted by a 21522
majority of the board, shall levy a tax at the same rate on the 21523
use, consumption, or storage for consumption of cigarettes by 21524
consumers in the county in which that tax is levied, provided that 21525
the tax shall not apply if the tax levied by section 5743.021 of 21526
the Revised Code has been paid. The tax shall take effect on the 21527
date that a tax levied under that section takes effect, and shall 21528
remain in effect as long as the tax levied under that section 21529
remains effective. 21530

No tax shall be levied under this section on or after the 21531
effective date of the amendment of this section by the capital 21532
appropriations act of the 127th general assembly. This paragraph 21533
does not prevent the collection of any tax levied under this 21534
section before that date so long as that tax remains effective. 21535

Sec. 5743.323. For the purposes of section 307.696 of the 21536
Revised Code and to pay the expenses of levying the tax or for 21537
such purposes and to provide revenues to the county for permanent 21538
improvements, the board of county commissioners of a county that 21539
levies a tax under division (A) or (C) of section 5743.024 of the 21540
Revised Code shall by resolution adopted by a majority of the 21541
board levy a tax at the same rate on the use, consumption, or 21542
storage for consumption of cigarettes by consumers in the county, 21543
provided that the tax shall not apply if the tax levied by 21544
division (A) or (C) of section 5743.024 of the Revised Code has 21545
been paid. The tax shall take effect on the date that a tax levied 21546
under division (A) or (C) of section 5743.024 of the Revised Code 21547

takes effect, and shall remain in effect as long as the tax levied 21548
under such division remains effective. 21549

No tax shall be levied under this section on or after the 21550
effective date of the amendment of this section by the capital 21551
appropriations act of the 127th general assembly. This paragraph 21552
does not prevent the collection of any tax levied under this 21553
section before that date so long as that tax remains effective. 21554

Sec. 5745.05. (A) Prior to the first day of March, June, 21555
September, and December, the tax commissioner shall certify to the 21556
director of budget and management the amount to be paid to each 21557
municipal corporation, as indicated on the declaration of 21558
estimated tax reports and annual reports received under sections 21559
5745.03 and 5745.04 of the Revised Code, less any amounts 21560
previously distributed and net of any audit adjustments made by 21561
the tax commissioner. Not later than the first day of March, June, 21562
September, and December, the director of budget and management 21563
shall provide for payment of the amount certified to each 21564
municipal corporation from the municipal income tax fund, plus a 21565
pro rata share of any investment earnings accruing to the fund 21566
since the previous payment under this section apportioned among 21567
municipal corporations entitled to such payments in proportion to 21568
the amount certified by the tax commissioner. All investment 21569
earnings on money in the municipal income tax fund shall be 21570
credited to that fund. 21571

(B) If the tax commissioner determines that the amount of tax 21572
paid by a taxpayer and distributed to a municipal corporation 21573
under this section for a taxable year exceeds the amount payable 21574
to that municipal corporation under this chapter after accounting 21575
for amounts remitted with the annual report and as estimated 21576
taxes, the tax commissioner shall permit the taxpayer to credit 21577
the excess against the taxpayer's payments to the municipal 21578

corporation of estimated taxes remitted for an ensuing taxable 21579
year under section 5745.04 of the Revised Code. If, upon the 21580
written request of the taxpayer, the tax commissioner determines 21581
that the excess to be so credited is likely to exceed the amount 21582
of estimated taxes payable by the taxpayer to the municipal 21583
corporation during the ensuing twelve months, the tax commissioner 21584
shall so notify the municipal corporation and the municipal 21585
corporation shall issue a refund of the excess to the taxpayer 21586
within ninety days after receiving such a notice. Interest shall 21587
accrue on the amount to be refunded and is payable to the taxpayer 21588
at the rate per annum prescribed by section 5703.47 of the Revised 21589
Code from the ninety-first day after the notice is received by the 21590
municipal corporation until the day the refund is paid. 21591
Immediately after notifying a municipal corporation under this 21592
division of an excess to be refunded, the commissioner also shall 21593
notify the director of budget and management of the amount of the 21594
excess, and the director shall transfer from the municipal income 21595
tax administrative fund to the municipal income tax fund one and 21596
one-half per cent of the amount of the excess. The commissioner 21597
shall include the transferred amount in the computation of the 21598
amount due the municipal corporation in the next certification to 21599
the director under division (A) of this section. 21600

Sec. 5747.01. Except as otherwise expressly provided or 21601
clearly appearing from the context, any term used in this chapter 21602
that is not otherwise defined in this section has the same meaning 21603
as when used in a comparable context in the laws of the United 21604
States relating to federal income taxes or if not used in a 21605
comparable context in those laws, has the same meaning as in 21606
section 5733.40 of the Revised Code. Any reference in this chapter 21607
to the Internal Revenue Code includes other laws of the United 21608
States relating to federal income taxes. 21609

As used in this chapter: 21610

(A) "Adjusted gross income" or "Ohio adjusted gross income" 21611
means federal adjusted gross income, as defined and used in the 21612
Internal Revenue Code, adjusted as provided in this section: 21613

(1) Add interest or dividends on obligations or securities of 21614
any state or of any political subdivision or authority of any 21615
state, other than this state and its subdivisions and authorities. 21616

(2) Add interest or dividends on obligations of any 21617
authority, commission, instrumentality, territory, or possession 21618
of the United States to the extent that the interest or dividends 21619
are exempt from federal income taxes but not from state income 21620
taxes. 21621

(3) Deduct interest or dividends on obligations of the United 21622
States and its territories and possessions or of any authority, 21623
commission, or instrumentality of the United States to the extent 21624
that the interest or dividends are included in federal adjusted 21625
gross income but exempt from state income taxes under the laws of 21626
the United States. 21627

(4) Deduct disability and survivor's benefits to the extent 21628
included in federal adjusted gross income. 21629

(5) Deduct benefits under Title II of the Social Security Act 21630
and tier 1 railroad retirement benefits to the extent included in 21631
federal adjusted gross income under section 86 of the Internal 21632
Revenue Code. 21633

(6) In the case of a taxpayer who is a beneficiary of a trust 21634
that makes an accumulation distribution as defined in section 665 21635
of the Internal Revenue Code, add, for the beneficiary's taxable 21636
years beginning before 2002, the portion, if any, of such 21637
distribution that does not exceed the undistributed net income of 21638
the trust for the three taxable years preceding the taxable year 21639
in which the distribution is made to the extent that the portion 21640
was not included in the trust's taxable income for any of the 21641

trust's taxable years beginning in 2002 or thereafter. 21642

"Undistributed net income of a trust" means the taxable income of 21643
the trust increased by (a)(i) the additions to adjusted gross 21644
income required under division (A) of this section and (ii) the 21645
personal exemptions allowed to the trust pursuant to section 21646
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 21647
deductions to adjusted gross income required under division (A) of 21648
this section, (ii) the amount of federal income taxes attributable 21649
to such income, and (iii) the amount of taxable income that has 21650
been included in the adjusted gross income of a beneficiary by 21651
reason of a prior accumulation distribution. Any undistributed net 21652
income included in the adjusted gross income of a beneficiary 21653
shall reduce the undistributed net income of the trust commencing 21654
with the earliest years of the accumulation period. 21655

(7) Deduct the amount of wages and salaries, if any, not 21656
otherwise allowable as a deduction but that would have been 21657
allowable as a deduction in computing federal adjusted gross 21658
income for the taxable year, had the targeted jobs credit allowed 21659
and determined under sections 38, 51, and 52 of the Internal 21660
Revenue Code not been in effect. 21661

(8) Deduct any interest or interest equivalent on public 21662
obligations and purchase obligations to the extent that the 21663
interest or interest equivalent is included in federal adjusted 21664
gross income. 21665

(9) Add any loss or deduct any gain resulting from the sale, 21666
exchange, or other disposition of public obligations to the extent 21667
that the loss has been deducted or the gain has been included in 21668
computing federal adjusted gross income. 21669

(10) Deduct or add amounts, as provided under section 5747.70 21670
of the Revised Code, related to contributions to variable college 21671
savings program accounts made or tuition units purchased pursuant 21672
to Chapter 3334. of the Revised Code. 21673

(11)(a) Deduct, to the extent not otherwise allowable as a 21674
deduction or exclusion in computing federal or Ohio adjusted gross 21675
income for the taxable year, the amount the taxpayer paid during 21676
the taxable year for medical care insurance and qualified 21677
long-term care insurance for the taxpayer, the taxpayer's spouse, 21678
and dependents. No deduction for medical care insurance under 21679
division (A)(11) of this section shall be allowed either to any 21680
taxpayer who is eligible to participate in any subsidized health 21681
plan maintained by any employer of the taxpayer or of the 21682
taxpayer's spouse, or to any taxpayer who is entitled to, or on 21683
application would be entitled to, benefits under part A of Title 21684
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 21685
301, as amended. For the purposes of division (A)(11)(a) of this 21686
section, "subsidized health plan" means a health plan for which 21687
the employer pays any portion of the plan's cost. The deduction 21688
allowed under division (A)(11)(a) of this section shall be the net 21689
of any related premium refunds, related premium reimbursements, or 21690
related insurance premium dividends received during the taxable 21691
year. 21692

(b) Deduct, to the extent not otherwise deducted or excluded 21693
in computing federal or Ohio adjusted gross income during the 21694
taxable year, the amount the taxpayer paid during the taxable 21695
year, not compensated for by any insurance or otherwise, for 21696
medical care of the taxpayer, the taxpayer's spouse, and 21697
dependents, to the extent the expenses exceed seven and one-half 21698
per cent of the taxpayer's federal adjusted gross income. 21699

(c) For purposes of division (A)(11) of this section, 21700
"medical care" has the meaning given in section 213 of the 21701
Internal Revenue Code, subject to the special rules, limitations, 21702
and exclusions set forth therein, and "qualified long-term care" 21703
has the same meaning given in section 7702B(c) of the Internal 21704
Revenue Code. 21705

(12)(a) Deduct any amount included in federal adjusted gross income solely because the amount represents a reimbursement or refund of expenses that in any year the taxpayer had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable United States department of the treasury regulations. The deduction otherwise allowed under division (A)(12)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio adjusted gross income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio adjusted gross income in any taxable year.

(13) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year;

(b) It does not otherwise reduce the taxpayer's adjusted gross income for the current or any other taxable year.

(14) Deduct an amount equal to the deposits made to, and net investment earnings of, a medical savings account during the taxable year, in accordance with section 3924.66 of the Revised Code. The deduction allowed by division (A)(14) of this section does not apply to medical savings account deposits and earnings otherwise deducted or excluded for the current or any other taxable year from the taxpayer's federal adjusted gross income.

(15)(a) Add an amount equal to the funds withdrawn from a 21737
medical savings account during the taxable year, and the net 21738
investment earnings on those funds, when the funds withdrawn were 21739
used for any purpose other than to reimburse an account holder 21740
for, or to pay, eligible medical expenses, in accordance with 21741
section 3924.66 of the Revised Code; 21742

(b) Add the amounts distributed from a medical savings 21743
account under division (A)(2) of section 3924.68 of the Revised 21744
Code during the taxable year. 21745

(16) Add any amount claimed as a credit under section 21746
5747.059 of the Revised Code to the extent that such amount 21747
satisfies either of the following: 21748

(a) The amount was deducted or excluded from the computation 21749
of the taxpayer's federal adjusted gross income as required to be 21750
reported for the taxpayer's taxable year under the Internal 21751
Revenue Code; 21752

(b) The amount resulted in a reduction of the taxpayer's 21753
federal adjusted gross income as required to be reported for any 21754
of the taxpayer's taxable years under the Internal Revenue Code. 21755

(17) Deduct the amount contributed by the taxpayer to an 21756
individual development account program established by a county 21757
department of job and family services pursuant to sections 329.11 21758
to 329.14 of the Revised Code for the purpose of matching funds 21759
deposited by program participants. On request of the tax 21760
commissioner, the taxpayer shall provide any information that, in 21761
the tax commissioner's opinion, is necessary to establish the 21762
amount deducted under division (A)(17) of this section. 21763

(18) Beginning in taxable year 2001 but not for any taxable 21764
year beginning after December 31, 2005, if the taxpayer is married 21765
and files a joint return and the combined federal adjusted gross 21766
income of the taxpayer and the taxpayer's spouse for the taxable 21767

year does not exceed one hundred thousand dollars, or if the 21768
taxpayer is single and has a federal adjusted gross income for the 21769
taxable year not exceeding fifty thousand dollars, deduct amounts 21770
paid during the taxable year for qualified tuition and fees paid 21771
to an eligible institution for the taxpayer, the taxpayer's 21772
spouse, or any dependent of the taxpayer, who is a resident of 21773
this state and is enrolled in or attending a program that 21774
culminates in a degree or diploma at an eligible institution. The 21775
deduction may be claimed only to the extent that qualified tuition 21776
and fees are not otherwise deducted or excluded for any taxable 21777
year from federal or Ohio adjusted gross income. The deduction may 21778
not be claimed for educational expenses for which the taxpayer 21779
claims a credit under section 5747.27 of the Revised Code. 21780

(19) Add any reimbursement received during the taxable year 21781
of any amount the taxpayer deducted under division (A)(18) of this 21782
section in any previous taxable year to the extent the amount is 21783
not otherwise included in Ohio adjusted gross income. 21784

(20)(a)(i) Add five-sixths of the amount of depreciation 21785
expense allowed by subsection (k) of section 168 of the Internal 21786
Revenue Code, including the taxpayer's proportionate or 21787
distributive share of the amount of depreciation expense allowed 21788
by that subsection to a pass-through entity in which the taxpayer 21789
has a direct or indirect ownership interest. 21790

(ii) Add five-sixths of the amount of qualifying section 179 21791
depreciation expense, including a person's proportionate or 21792
distributive share of the amount of qualifying section 179 21793
depreciation expense allowed to any pass-through entity in which 21794
the person has a direct or indirect ownership. For the purposes of 21795
this division, "qualifying section 179 depreciation expense" means 21796
the difference between (I) the amount of depreciation expense 21797
directly or indirectly allowed to the taxpayer under section 179 21798
of the Internal Revenue Code, and (II) the amount of depreciation 21799

expense directly or indirectly allowed to the taxpayer under 21800
section 179 of the Internal Revenue Code as that section existed 21801
on December 31, 2002. 21802

The tax commissioner, under procedures established by the 21803
commissioner, may waive the add-backs related to a pass-through 21804
entity if the taxpayer owns, directly or indirectly, less than 21805
five per cent of the pass-through entity. 21806

(b) Nothing in division (A)(20) of this section shall be 21807
construed to adjust or modify the adjusted basis of any asset. 21808

(c) To the extent the add-back required under division 21809
(A)(20)(a) of this section is attributable to property generating 21810
nonbusiness income or loss allocated under section 5747.20 of the 21811
Revised Code, the add-back shall be situated to the same location 21812
as the nonbusiness income or loss generated by the property for 21813
the purpose of determining the credit under division (A) of 21814
section 5747.05 of the Revised Code. Otherwise, the add-back shall 21815
be apportioned, subject to one or more of the four alternative 21816
methods of apportionment enumerated in section 5747.21 of the 21817
Revised Code. 21818

(d) For the purposes of division (A) of this section, net 21819
operating loss carryback and carryforward shall not include 21820
five-sixths of the allowance of any net operating loss deduction 21821
carryback or carryforward to the taxable year to the extent such 21822
loss resulted from depreciation allowed by section 168(k) of the 21823
Internal Revenue Code and by the qualifying section 179 21824
depreciation expense amount. 21825

(21)(a) If the taxpayer was required to add an amount under 21826
division (A)(20)(a) of this section for a taxable year, deduct 21827
one-fifth of the amount so added for each of the five succeeding 21828
taxable years. 21829

(b) If the amount deducted under division (A)(21)(a) of this 21830

section is attributable to an add-back allocated under division 21831
(A)(20)(c) of this section, the amount deducted shall be sitused 21832
to the same location. Otherwise, the add-back shall be apportioned 21833
using the apportionment factors for the taxable year in which the 21834
deduction is taken, subject to one or more of the four alternative 21835
methods of apportionment enumerated in section 5747.21 of the 21836
Revised Code. 21837

(c) No deduction is available under division (A)(21)(a) of 21838
this section with regard to any depreciation allowed by section 21839
168(k) of the Internal Revenue Code and by the qualifying section 21840
179 depreciation expense amount to the extent that such 21841
depreciation resulted in or increased a federal net operating loss 21842
carryback or carryforward to a taxable year to which division 21843
(A)(20)(d) of this section does not apply. 21844

(22) 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
reimbursement for life insurance premiums under section 5919.31 of 21848
the Revised Code. 21849

(23) Deduct, to the extent not otherwise deducted or excluded 21850
in computing federal or Ohio adjusted gross income for the taxable 21851
year, the amount the taxpayer received during the taxable year as 21852
a death benefit paid by the adjutant general under section 5919.33 21853
of the Revised Code. 21854

(24) Deduct, to the extent included in federal adjusted gross 21855
income and not otherwise allowable as a deduction or exclusion in 21856
computing federal or Ohio adjusted gross income for the taxable 21857
year, military pay and allowances received by the taxpayer during 21858
the taxable year for active duty service in the United States 21859
army, air force, navy, marine corps, or coast guard or reserve 21860
components thereof or the national guard. The deduction may not be 21861
claimed for military pay and allowances received by the taxpayer 21862

while the taxpayer is stationed in this state. 21863

(25) Deduct, to the extent not otherwise allowable as a 21864
deduction or exclusion in computing federal or Ohio adjusted gross 21865
income for the taxable year and not otherwise compensated for by 21866
any other source, the amount of qualified organ donation expenses 21867
incurred by the taxpayer during the taxable year, not to exceed 21868
ten thousand dollars. A taxpayer may deduct qualified organ 21869
donation expenses only once for all taxable years beginning with 21870
taxable years beginning in 2007. 21871

For the purposes of division (A)(25) of this section: 21872

(a) "Human organ" means all or any portion of a human liver, 21873
pancreas, kidney, intestine, or lung, and any portion of human 21874
bone marrow. 21875

(b) "Qualified organ donation expenses" means travel 21876
expenses, lodging expenses, and wages and salary forgone by a 21877
taxpayer in connection with the taxpayer's donation, while living, 21878
of one or more of the taxpayer's human organs to another human 21879
being. 21880

(26) Deduct, to the extent not otherwise deducted or excluded 21881
in computing federal or Ohio adjusted gross income for the taxable 21882
year, amounts received by the taxpayer as retired military 21883
personnel pay for service in the United States army, navy, air 21884
force, coast guard, or marine corps or reserve components thereof, 21885
or the national guard. If the taxpayer receives income on account 21886
of retirement paid under the federal civil service retirement 21887
system or federal employees retirement system, or under any 21888
successor retirement program enacted by the congress of the United 21889
States that is established and maintained for retired employees of 21890
the United States government, and such retirement income is based, 21891
in whole or in part, on credit for the taxpayer's military 21892
service, the deduction allowed under this division shall include 21893

only that portion of such retirement income that is attributable 21894
to the taxpayer's military service, to the extent that portion of 21895
such retirement income is otherwise included in federal adjusted 21896
gross income and is not otherwise deducted under this section. Any 21897
amount deducted under division (A)(26) of this section is not 21898
included in the taxpayer's adjusted gross income for the purposes 21899
of section 5747.055 of the Revised Code. No amount may be deducted 21900
under division (A)(26) of this section on the basis of which a 21901
credit was claimed under section 5747.055 of the Revised Code. 21902
21903

(27) Deduct, to the extent not otherwise deducted or excluded 21904
in computing federal or Ohio adjusted gross income for the taxable 21905
year, the amount the taxpayer received during the taxable year 21906
from the military injury relief fund created in section 5101.98 of 21907
the Revised Code. 21908

(B) "Business income" means income, including gain or loss, 21909
arising from transactions, activities, and sources in the regular 21910
course of a trade or business and includes income, gain, or loss 21911
from real property, tangible property, and intangible property if 21912
the acquisition, rental, management, and disposition of the 21913
property constitute integral parts of the regular course of a 21914
trade or business operation. "Business income" includes income, 21915
including gain or loss, from a partial or complete liquidation of 21916
a business, including, but not limited to, gain or loss from the 21917
sale or other disposition of goodwill. 21918

(C) "Nonbusiness income" means all income other than business 21919
income and may include, but is not limited to, compensation, rents 21920
and royalties from real or tangible personal property, capital 21921
gains, interest, dividends and distributions, patent or copyright 21922
royalties, or lottery winnings, prizes, and awards. 21923

(D) "Compensation" means any form of remuneration paid to an 21924
employee for personal services. 21925

(E) "Fiduciary" means a guardian, trustee, executor,	21926
administrator, receiver, conservator, or any other person acting	21927
in any fiduciary capacity for any individual, trust, or estate.	21928
(F) "Fiscal year" means an accounting period of twelve months	21929
ending on the last day of any month other than December.	21930
(G) "Individual" means any natural person.	21931
(H) "Internal Revenue Code" means the "Internal Revenue Code	21932
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	21933
(I) "Resident" means any of the following, provided that	21934
division (I)(3) of this section applies only to taxable years of a	21935
trust beginning in 2002 or thereafter:	21936
(1) An individual who is domiciled in this state, subject to	21937
section 5747.24 of the Revised Code;	21938
(2) The estate of a decedent who at the time of death was	21939
domiciled in this state. The domicile tests of section 5747.24 of	21940
the Revised Code are not controlling for purposes of division	21941
(I)(2) of this section.	21942
(3) A trust that, in whole or part, resides in this state. If	21943
only part of a trust resides in this state, the trust is a	21944
resident only with respect to that part.	21945
For the purposes of division (I)(3) of this section:	21946
(a) A trust resides in this state for the trust's current	21947
taxable year to the extent, as described in division (I)(3)(d) of	21948
this section, that the trust consists directly or indirectly, in	21949
whole or in part, of assets, net of any related liabilities, that	21950
were transferred, or caused to be transferred, directly or	21951
indirectly, to the trust by any of the following:	21952
(i) A person, a court, or a governmental entity or	21953
instrumentality on account of the death of a decedent, but only if	21954
the trust is described in division (I)(3)(e)(i) or (ii) of this	21955

section; 21956

(ii) A person who was domiciled in this state for the 21957
purposes of this chapter when the person directly or indirectly 21958
transferred assets to an irrevocable trust, but only if at least 21959
one of the trust's qualifying beneficiaries is domiciled in this 21960
state for the purposes of this chapter during all or some portion 21961
of the trust's current taxable year; 21962

(iii) A person who was domiciled in this state for the 21963
purposes of this chapter when the trust document or instrument or 21964
part of the trust document or instrument became irrevocable, but 21965
only if at least one of the trust's qualifying beneficiaries is a 21966
resident domiciled in this state for the purposes of this chapter 21967
during all or some portion of the trust's current taxable year. If 21968
a trust document or instrument became irrevocable upon the death 21969
of a person who at the time of death was domiciled in this state 21970
for purposes of this chapter, that person is a person described in 21971
division (I)(3)(a)(iii) of this section. 21972

(b) A trust is irrevocable to the extent that the transferor 21973
is not considered to be the owner of the net assets of the trust 21974
under sections 671 to 678 of the Internal Revenue Code. 21975

(c) With respect to a trust other than a charitable lead 21976
trust, "qualifying beneficiary" has the same meaning as "potential 21977
current beneficiary" as defined in section 1361(e)(2) of the 21978
Internal Revenue Code, and with respect to a charitable lead trust 21979
"qualifying beneficiary" is any current, future, or contingent 21980
beneficiary, but with respect to any trust "qualifying 21981
beneficiary" excludes a person or a governmental entity or 21982
instrumentality to any of which a contribution would qualify for 21983
the charitable deduction under section 170 of the Internal Revenue 21984
Code. 21985

(d) For the purposes of division (I)(3)(a) of this section, 21986

the extent to which a trust consists directly or indirectly, in 21987
whole or in part, of assets, net of any related liabilities, that 21988
were transferred directly or indirectly, in whole or part, to the 21989
trust by any of the sources enumerated in that division shall be 21990
ascertained by multiplying the fair market value of the trust's 21991
assets, net of related liabilities, by the qualifying ratio, which 21992
shall be computed as follows: 21993

(i) The first time the trust receives assets, the numerator 21994
of the qualifying ratio is the fair market value of those assets 21995
at that time, net of any related liabilities, from sources 21996
enumerated in division (I)(3)(a) of this section. The denominator 21997
of the qualifying ratio is the fair market value of all the 21998
trust's assets at that time, net of any related liabilities. 21999

(ii) Each subsequent time the trust receives assets, a 22000
revised qualifying ratio shall be computed. The numerator of the 22001
revised qualifying ratio is the sum of (1) the fair market value 22002
of the trust's assets immediately prior to the subsequent 22003
transfer, net of any related liabilities, multiplied by the 22004
qualifying ratio last computed without regard to the subsequent 22005
transfer, and (2) the fair market value of the subsequently 22006
transferred assets at the time transferred, net of any related 22007
liabilities, from sources enumerated in division (I)(3)(a) of this 22008
section. The denominator of the revised qualifying ratio is the 22009
fair market value of all the trust's assets immediately after the 22010
subsequent transfer, net of any related liabilities. 22011

(iii) Whether a transfer to the trust is by or from any of 22012
the sources enumerated in division (I)(3)(a) of this section shall 22013
be ascertained without regard to the domicile of the trust's 22014
beneficiaries. 22015

(e) For the purposes of division (I)(3)(a)(i) of this 22016
section: 22017

(i) A trust is described in division (I)(3)(e)(i) of this section if the trust is a testamentary trust and the testator of that testamentary trust was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(ii) A trust is described in division (I)(3)(e)(ii) of this section if the transfer is a qualifying transfer described in any of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year.

(f) For the purposes of division (I)(3)(e)(ii) of this section, a "qualifying transfer" is a transfer of assets, net of any related liabilities, directly or indirectly to a trust, if the transfer is described in any of the following:

(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the death of the decedent, the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(ii) The transfer is made to a trust to which the decedent, prior to the decedent's death, had directly or indirectly transferred assets, net of any related liabilities, while the decedent was domiciled in this state for the purposes of this chapter, and prior to the death of the decedent the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(iii) The transfer is made on account of a contractual relationship existing directly or indirectly between the

transferor and either the decedent or the estate of the decedent 22049
at any time prior to the date of the decedent's death, and the 22050
decedent was domiciled in this state at the time of death for 22051
purposes of the taxes levied under Chapter 5731. of the Revised 22052
Code. 22053

(iv) The transfer is made to a trust on account of a 22054
contractual relationship existing directly or indirectly between 22055
the transferor and another person who at the time of the 22056
decedent's death was domiciled in this state for purposes of this 22057
chapter. 22058

(v) The transfer is made to a trust on account of the will of 22059
a testator. 22060

(vi) The transfer is made to a trust created by or caused to 22061
be created by a court, and the trust was directly or indirectly 22062
created in connection with or as a result of the death of an 22063
individual who, for purposes of the taxes levied under Chapter 22064
5731. of the Revised Code, was domiciled in this state at the time 22065
of the individual's death. 22066

(g) The tax commissioner may adopt rules to ascertain the 22067
part of a trust residing in this state. 22068

(J) "Nonresident" means an individual or estate that is not a 22069
resident. An individual who is a resident for only part of a 22070
taxable year is a nonresident for the remainder of that taxable 22071
year. 22072

(K) "Pass-through entity" has the same meaning as in section 22073
5733.04 of the Revised Code. 22074

(L) "Return" means the notifications and reports required to 22075
be filed pursuant to this chapter for the purpose of reporting the 22076
tax due and includes declarations of estimated tax when so 22077
required. 22078

(M) "Taxable year" means the calendar year or the taxpayer's 22079
fiscal year ending during the calendar year, or fractional part 22080
thereof, upon which the adjusted gross income is calculated 22081
pursuant to this chapter. 22082

(N) "Taxpayer" means any person subject to the tax imposed by 22083
section 5747.02 of the Revised Code or any pass-through entity 22084
that makes the election under division (D) of section 5747.08 of 22085
the Revised Code. 22086

(O) "Dependents" means dependents as defined in the Internal 22087
Revenue Code and as claimed in the taxpayer's federal income tax 22088
return for the taxable year or which the taxpayer would have been 22089
permitted to claim had the taxpayer filed a federal income tax 22090
return. 22091

(P) "Principal county of employment" means, in the case of a 22092
nonresident, the county within the state in which a taxpayer 22093
performs services for an employer or, if those services are 22094
performed in more than one county, the county in which the major 22095
portion of the services are performed. 22096

(Q) As used in sections 5747.50 to 5747.55 of the Revised 22097
Code: 22098

(1) "Subdivision" means any county, municipal corporation, 22099
park district, or township. 22100

(2) "Essential local government purposes" includes all 22101
functions that any subdivision is required by general law to 22102
exercise, including like functions that are exercised under a 22103
charter adopted pursuant to the Ohio Constitution. 22104

(R) "Overpayment" means any amount already paid that exceeds 22105
the figure determined to be the correct amount of the tax. 22106

(S) "Taxable income" or "Ohio taxable income" applies only to 22107
estates and trusts, and means federal taxable income, as defined 22108

and used in the Internal Revenue Code, adjusted as follows: 22109

(1) Add interest or dividends, net of ordinary, necessary, 22110
and reasonable expenses not deducted in computing federal taxable 22111
income, on obligations or securities of any state or of any 22112
political subdivision or authority of any state, other than this 22113
state and its subdivisions and authorities, but only to the extent 22114
that such net amount is not otherwise includible in Ohio taxable 22115
income and is described in either division (S)(1)(a) or (b) of 22116
this section: 22117

(a) The net amount is not attributable to the S portion of an 22118
electing small business trust and has not been distributed to 22119
beneficiaries for the taxable year; 22120

(b) The net amount is attributable to the S portion of an 22121
electing small business trust for the taxable year. 22122

(2) Add interest or dividends, net of ordinary, necessary, 22123
and reasonable expenses not deducted in computing federal taxable 22124
income, on obligations of any authority, commission, 22125
instrumentality, territory, or possession of the United States to 22126
the extent that the interest or dividends are exempt from federal 22127
income taxes but not from state income taxes, but only to the 22128
extent that such net amount is not otherwise includible in Ohio 22129
taxable income and is described in either division (S)(1)(a) or 22130
(b) of this section; 22131

(3) Add the amount of personal exemption allowed to the 22132
estate pursuant to section 642(b) of the Internal Revenue Code; 22133

(4) Deduct interest or dividends, net of related expenses 22134
deducted in computing federal taxable income, on obligations of 22135
the United States and its territories and possessions or of any 22136
authority, commission, or instrumentality of the United States to 22137
the extent that the interest or dividends are exempt from state 22138
taxes under the laws of the United States, but only to the extent 22139

that such amount is included in federal taxable income and is 22140
described in either division (S)(1)(a) or (b) of this section; 22141

(5) Deduct the amount of wages and salaries, if any, not 22142
otherwise allowable as a deduction but that would have been 22143
allowable as a deduction in computing federal taxable income for 22144
the taxable year, had the targeted jobs credit allowed under 22145
sections 38, 51, and 52 of the Internal Revenue Code not been in 22146
effect, but only to the extent such amount relates either to 22147
income included in federal taxable income for the taxable year or 22148
to income of the S portion of an electing small business trust for 22149
the taxable year; 22150

(6) Deduct any interest or interest equivalent, net of 22151
related expenses deducted in computing federal taxable income, on 22152
public obligations and purchase obligations, but only to the 22153
extent that such net amount relates either to income included in 22154
federal taxable income for the taxable year or to income of the S 22155
portion of an electing small business trust for the taxable year; 22156

(7) Add any loss or deduct any gain resulting from sale, 22157
exchange, or other disposition of public obligations to the extent 22158
that such loss has been deducted or such gain has been included in 22159
computing either federal taxable income or income of the S portion 22160
of an electing small business trust for the taxable year; 22161

(8) Except in the case of the final return of an estate, add 22162
any amount deducted by the taxpayer on both its Ohio estate tax 22163
return pursuant to section 5731.14 of the Revised Code, and on its 22164
federal income tax return in determining federal taxable income; 22165

(9)(a) Deduct any amount included in federal taxable income 22166
solely because the amount represents a reimbursement or refund of 22167
expenses that in a previous year the decedent had deducted as an 22168
itemized deduction pursuant to section 63 of the Internal Revenue 22169
Code and applicable treasury regulations. The deduction otherwise 22170

allowed under division (S)(9)(a) of this section shall be reduced 22171
to the extent the reimbursement is attributable to an amount the 22172
taxpayer or decedent deducted under this section in any taxable 22173
year. 22174

(b) Add any amount not otherwise included in Ohio taxable 22175
income for any taxable year to the extent that the amount is 22176
attributable to the recovery during the taxable year of any amount 22177
deducted or excluded in computing federal or Ohio taxable income 22178
in any taxable year, but only to the extent such amount has not 22179
been distributed to beneficiaries for the taxable year. 22180

(10) Deduct any portion of the deduction described in section 22181
1341(a)(2) of the Internal Revenue Code, for repaying previously 22182
reported income received under a claim of right, that meets both 22183
of the following requirements: 22184

(a) It is allowable for repayment of an item that was 22185
included in the taxpayer's taxable income or the decedent's 22186
adjusted gross income for a prior taxable year and did not qualify 22187
for a credit under division (A) or (B) of section 5747.05 of the 22188
Revised Code for that year. 22189

(b) It does not otherwise reduce the taxpayer's taxable 22190
income or the decedent's adjusted gross income for the current or 22191
any other taxable year. 22192

(11) Add any amount claimed as a credit under section 22193
5747.059 of the Revised Code to the extent that the amount 22194
satisfies either of the following: 22195

(a) The amount was deducted or excluded from the computation 22196
of the taxpayer's federal taxable income as required to be 22197
reported for the taxpayer's taxable year under the Internal 22198
Revenue Code; 22199

(b) The amount resulted in a reduction in the taxpayer's 22200
federal taxable income as required to be reported for any of the 22201

taxpayer's taxable years under the Internal Revenue Code. 22202

(12) Deduct any amount, net of related expenses deducted in 22203
computing federal taxable income, that a trust is required to 22204
report as farm income on its federal income tax return, but only 22205
if the assets of the trust include at least ten acres of land 22206
satisfying the definition of "land devoted exclusively to 22207
agricultural use" under section 5713.30 of the Revised Code, 22208
regardless of whether the land is valued for tax purposes as such 22209
land under sections 5713.30 to 5713.38 of the Revised Code. If the 22210
trust is a pass-through entity investor, section 5747.231 of the 22211
Revised Code applies in ascertaining if the trust is eligible to 22212
claim the deduction provided by division (S)(12) of this section 22213
in connection with the pass-through entity's farm income. 22214

Except for farm income attributable to the S portion of an 22215
electing small business trust, the deduction provided by division 22216
(S)(12) of this section is allowed only to the extent that the 22217
trust has not distributed such farm income. Division (S)(12) of 22218
this section applies only to taxable years of a trust beginning in 22219
2002 or thereafter. 22220

(13) Add the net amount of income described in section 641(c) 22221
of the Internal Revenue Code to the extent that amount is not 22222
included in federal taxable income. 22223

(14) Add or deduct the amount the taxpayer would be required 22224
to add or deduct under division (A)(20) or (21) of this section if 22225
the taxpayer's Ohio taxable income were computed in the same 22226
manner as an individual's Ohio adjusted gross income is computed 22227
under this section. In the case of a trust, division (S)(14) of 22228
this section applies only to any of the trust's taxable years 22229
beginning in 2002 or thereafter. 22230

(T) "School district income" and "school district income tax" 22231
have the same meanings as in section 5748.01 of the Revised Code. 22232

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 22233
of this section, "public obligations," "purchase obligations," and 22234
"interest or interest equivalent" have the same meanings as in 22235
section 5709.76 of the Revised Code. 22236

(V) "Limited liability company" means any limited liability 22237
company formed under Chapter 1705. of the Revised Code or under 22238
the laws of any other state. 22239

(W) "Pass-through entity investor" means any person who, 22240
during any portion of a taxable year of a pass-through entity, is 22241
a partner, member, shareholder, or equity investor in that 22242
pass-through entity. 22243

(X) "Banking day" has the same meaning as in section 1304.01 22244
of the Revised Code. 22245

(Y) "Month" means a calendar month. 22246

(Z) "Quarter" means the first three months, the second three 22247
months, the third three months, or the last three months of the 22248
taxpayer's taxable year. 22249

(AA)(1) "Eligible institution" means a state university or 22250
state institution of higher education as defined in section 22251
3345.011 of the Revised Code, or a private, nonprofit college, 22252
university, or other post-secondary institution located in this 22253
state that possesses a certificate of authorization issued by the 22254
Ohio board of regents pursuant to Chapter 1713. of the Revised 22255
Code or a certificate of registration issued by the state board of 22256
career colleges and schools under Chapter 3332. of the Revised 22257
Code. 22258

(2) "Qualified tuition and fees" means tuition and fees 22259
imposed by an eligible institution as a condition of enrollment or 22260
attendance, not exceeding two thousand five hundred dollars in 22261
each of the individual's first two years of post-secondary 22262
education. If the individual is a part-time student, "qualified 22263

tuition and fees" includes tuition and fees paid for the academic 22264
equivalent of the first two years of post-secondary education 22265
during a maximum of five taxable years, not exceeding a total of 22266
five thousand dollars. "Qualified tuition and fees" does not 22267
include: 22268

(a) Expenses for any course or activity involving sports, 22269
games, or hobbies unless the course or activity is part of the 22270
individual's degree or diploma program; 22271

(b) The cost of books, room and board, student activity fees, 22272
athletic fees, insurance expenses, or other expenses unrelated to 22273
the individual's academic course of instruction; 22274

(c) Tuition, fees, or other expenses paid or reimbursed 22275
through an employer, scholarship, grant in aid, or other 22276
educational benefit program. 22277

(BB)(1) "Modified business income" means the business income 22278
included in a trust's Ohio taxable income after such taxable 22279
income is first reduced by the qualifying trust amount, if any. 22280

(2) "Qualifying trust amount" of a trust means capital gains 22281
and losses from the sale, exchange, or other disposition of equity 22282
or ownership interests in, or debt obligations of, a qualifying 22283
investee to the extent included in the trust's Ohio taxable 22284
income, but only if the following requirements are satisfied: 22285

(a) The book value of the qualifying investee's physical 22286
assets in this state and everywhere, as of the last day of the 22287
qualifying investee's fiscal or calendar year ending immediately 22288
prior to the date on which the trust recognizes the gain or loss, 22289
is available to the trust. 22290

(b) The requirements of section 5747.011 of the Revised Code 22291
are satisfied for the trust's taxable year in which the trust 22292
recognizes the gain or loss. 22293

Any gain or loss that is not a qualifying trust amount is 22294
modified business income, qualifying investment income, or 22295
modified nonbusiness income, as the case may be. 22296

(3) "Modified nonbusiness income" means a trust's Ohio 22297
taxable income other than modified business income, other than the 22298
qualifying trust amount, and other than qualifying investment 22299
income, as defined in section 5747.012 of the Revised Code, to the 22300
extent such qualifying investment income is not otherwise part of 22301
modified business income. 22302

(4) "Modified Ohio taxable income" applies only to trusts, 22303
and means the sum of the amounts described in divisions (BB)(4)(a) 22304
to (c) of this section: 22305

(a) The fraction, calculated under section 5747.013, and 22306
applying section 5747.231 of the Revised Code, multiplied by the 22307
sum of the following amounts: 22308

(i) The trust's modified business income; 22309

(ii) The trust's qualifying investment income, as defined in 22310
section 5747.012 of the Revised Code, but only to the extent the 22311
qualifying investment income does not otherwise constitute 22312
modified business income and does not otherwise constitute a 22313
qualifying trust amount. 22314

(b) The qualifying trust amount multiplied by a fraction, the 22315
numerator of which is the sum of the book value of the qualifying 22316
investee's physical assets in this state on the last day of the 22317
qualifying investee's fiscal or calendar year ending immediately 22318
prior to the day on which the trust recognizes the qualifying 22319
trust amount, and the denominator of which is the sum of the book 22320
value of the qualifying investee's total physical assets 22321
everywhere on the last day of the qualifying investee's fiscal or 22322
calendar year ending immediately prior to the day on which the 22323
trust recognizes the qualifying trust amount. If, for a taxable 22324

year, the trust recognizes a qualifying trust amount with respect 22325
to more than one qualifying investee, the amount described in 22326
division (BB)(4)(b) of this section shall equal the sum of the 22327
products so computed for each such qualifying investee. 22328

(c)(i) With respect to a trust or portion of a trust that is 22329
a resident as ascertained in accordance with division (I)(3)(d) of 22330
this section, its modified nonbusiness income. 22331

(ii) With respect to a trust or portion of a trust that is 22332
not a resident as ascertained in accordance with division 22333
(I)(3)(d) of this section, the amount of its modified nonbusiness 22334
income satisfying the descriptions in divisions (B)(2) to (5) of 22335
section 5747.20 of the Revised Code, except as otherwise provided 22336
in division (BB)(4)(c)(ii) of this section. With respect to a 22337
trust or portion of a trust that is not a resident as ascertained 22338
in accordance with division (I)(3)(d) of this section, the trust's 22339
portion of modified nonbusiness income recognized from the sale, 22340
exchange, or other disposition of a debt interest in or equity 22341
interest in a section 5747.212 entity, as defined in section 22342
5747.212 of the Revised Code, without regard to division (A) of 22343
that section, shall not be allocated to this state in accordance 22344
with section 5747.20 of the Revised Code but shall be apportioned 22345
to this state in accordance with division (B) of section 5747.212 22346
of the Revised Code without regard to division (A) of that 22347
section. 22348

If the allocation and apportionment of a trust's income under 22349
divisions (BB)(4)(a) and (c) of this section do not fairly 22350
represent the modified Ohio taxable income of the trust in this 22351
state, the alternative methods described in division (C) of 22352
section 5747.21 of the Revised Code may be applied in the manner 22353
and to the same extent provided in that section. 22354

(5)(a) Except as set forth in division (BB)(5)(b) of this 22355
section, "qualifying investee" means a person in which a trust has 22356

an equity or ownership interest, or a person or unit of government 22357
the debt obligations of either of which are owned by a trust. For 22358
the purposes of division (BB)(2)(a) of this section and for the 22359
purpose of computing the fraction described in division (BB)(4)(b) 22360
of this section, all of the following apply: 22361

(i) If the qualifying investee is a member of a qualifying 22362
controlled group on the last day of the qualifying investee's 22363
fiscal or calendar year ending immediately prior to the date on 22364
which the trust recognizes the gain or loss, then "qualifying 22365
investee" includes all persons in the qualifying controlled group 22366
on such last day. 22367

(ii) If the qualifying investee, or if the qualifying 22368
investee and any members of the qualifying controlled group of 22369
which the qualifying investee is a member on the last day of the 22370
qualifying investee's fiscal or calendar year ending immediately 22371
prior to the date on which the trust recognizes the gain or loss, 22372
separately or cumulatively own, directly or indirectly, on the 22373
last day of the qualifying investee's fiscal or calendar year 22374
ending immediately prior to the date on which the trust recognizes 22375
the qualifying trust amount, more than fifty per cent of the 22376
equity of a pass-through entity, then the qualifying investee and 22377
the other members are deemed to own the proportionate share of the 22378
pass-through entity's physical assets which the pass-through 22379
entity directly or indirectly owns on the last day of the 22380
pass-through entity's calendar or fiscal year ending within or 22381
with the last day of the qualifying investee's fiscal or calendar 22382
year ending immediately prior to the date on which the trust 22383
recognizes the qualifying trust amount. 22384

(iii) For the purposes of division (BB)(5)(a)(iii) of this 22385
section, "upper level pass-through entity" means a pass-through 22386
entity directly or indirectly owning any equity of another 22387
pass-through entity, and "lower level pass-through entity" means 22388

that other pass-through entity. 22389

An upper level pass-through entity, whether or not it is also 22390
a qualifying investee, is deemed to own, on the last day of the 22391
upper level pass-through entity's calendar or fiscal year, the 22392
proportionate share of the lower level pass-through entity's 22393
physical assets that the lower level pass-through entity directly 22394
or indirectly owns on the last day of the lower level pass-through 22395
entity's calendar or fiscal year ending within or with the last 22396
day of the upper level pass-through entity's fiscal or calendar 22397
year. If the upper level pass-through entity directly and 22398
indirectly owns less than fifty per cent of the equity of the 22399
lower level pass-through entity on each day of the upper level 22400
pass-through entity's calendar or fiscal year in which or with 22401
which ends the calendar or fiscal year of the lower level 22402
pass-through entity and if, based upon clear and convincing 22403
evidence, complete information about the location and cost of the 22404
physical assets of the lower pass-through entity is not available 22405
to the upper level pass-through entity, then solely for purposes 22406
of ascertaining if a gain or loss constitutes a qualifying trust 22407
amount, the upper level pass-through entity shall be deemed as 22408
owning no equity of the lower level pass-through entity for each 22409
day during the upper level pass-through entity's calendar or 22410
fiscal year in which or with which ends the lower level 22411
pass-through entity's calendar or fiscal year. Nothing in division 22412
(BB)(5)(a)(iii) of this section shall be construed to provide for 22413
any deduction or exclusion in computing any trust's Ohio taxable 22414
income. 22415

(b) With respect to a trust that is not a resident for the 22416
taxable year and with respect to a part of a trust that is not a 22417
resident for the taxable year, "qualifying investee" for that 22418
taxable year does not include a C corporation if both of the 22419
following apply: 22420

(i) During the taxable year the trust or part of the trust 22421
recognizes a gain or loss from the sale, exchange, or other 22422
disposition of equity or ownership interests in, or debt 22423
obligations of, the C corporation. 22424

(ii) Such gain or loss constitutes nonbusiness income. 22425

(6) "Available" means information is such that a person is 22426
able to learn of the information by the due date plus extensions, 22427
if any, for filing the return for the taxable year in which the 22428
trust recognizes the gain or loss. 22429

(CC) "Qualifying controlled group" has the same meaning as in 22430
section 5733.04 of the Revised Code. 22431

(DD) "Related member" has the same meaning as in section 22432
5733.042 of the Revised Code. 22433

(EE)(1) For the purposes of division (EE) of this section: 22434

(a) "Qualifying person" means any person other than a 22435
qualifying corporation. 22436

(b) "Qualifying corporation" means any person classified for 22437
federal income tax purposes as an association taxable as a 22438
corporation, except either of the following: 22439

(i) A corporation that has made an election under subchapter 22440
S, chapter one, subtitle A, of the Internal Revenue Code for its 22441
taxable year ending within, or on the last day of, the investor's 22442
taxable year; 22443

(ii) A subsidiary that is wholly owned by any corporation 22444
that has made an election under subchapter S, chapter one, 22445
subtitle A of the Internal Revenue Code for its taxable year 22446
ending within, or on the last day of, the investor's taxable year. 22447

(2) For the purposes of this chapter, unless expressly stated 22448
otherwise, no qualifying person indirectly owns any asset directly 22449
or indirectly owned by any qualifying corporation. 22450

(FF) For purposes of this chapter and Chapter 5751. of the Revised Code: 22451
22452

(1) "Trust" does not include a qualified pre-income tax trust. 22453
22454

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section. 22455
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22457

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust. 22458
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(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements: 22469
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(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972; 22471
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(b) The trust became irrevocable upon the creation of the trust; and 22473
22474

(c) The grantor was domiciled in this state at the time the trust was created. 22475
22476

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 22477
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levied by this chapter, there is hereby levied on every 22481
individual, trust, and estate residing in or earning or receiving 22482
income in this state, on every individual, trust, and estate 22483
earning or receiving lottery winnings, prizes, or awards pursuant 22484
to Chapter 3770. of the Revised Code, and on every individual, 22485
trust, and estate otherwise having nexus with or in this state 22486
under the Constitution of the United States, an annual tax 22487
measured in the case of individuals by Ohio adjusted gross income 22488
less an exemption for the taxpayer, the taxpayer's spouse, and 22489
each dependent as provided in section 5747.025 of the Revised 22490
Code; measured in the case of trusts by modified Ohio taxable 22491
income under division (D) of this section; and measured in the 22492
case of estates by Ohio taxable income. The tax imposed by this 22493
section on the balance thus obtained is hereby levied as follows: 22494

(1) For taxable years beginning in 2004: 22495

OHIO ADJUSTED GROSS INCOME LESS 22496

EXEMPTIONS (INDIVIDUALS)

OR 22497

MODIFIED OHIO 22498

TAXABLE INCOME (TRUSTS) 22499

OR 22500

OHIO TAXABLE INCOME (ESTATES) TAX 22501

\$5,000 or less .743% 22502

More than \$5,000 but not more \$37.15 plus 1.486% of the amount 22503
than \$10,000 in excess of \$5,000

More than \$10,000 but not more \$111.45 plus 2.972% of the 22504
than \$15,000 amount in excess of \$10,000

More than \$15,000 but not more \$260.05 plus 3.715% of the 22505
than \$20,000 amount in excess of \$15,000

More than \$20,000 but not more \$445.80 plus 4.457% of the 22506
than \$40,000 amount in excess of \$20,000

More than \$40,000 but not more \$1,337.20 plus 5.201% of the 22507

than \$80,000	amount in excess of \$40,000	
More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	22508
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	22509
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	22510
(2) For taxable years beginning in 2005:		22511
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		22512
OR		22513
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		22514
OR		22515
OHIO TAXABLE INCOME (ESTATES)		22516
	TAX	22517
\$5,000 or less	.712%	22518
More than \$5,000 but not more than \$10,000	\$35.60 plus 1.424% of the amount in excess of \$5,000	22519
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000	22520
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000	22521
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000	22522
More than \$40,000 but not more than \$80,000	\$1,281.10 plus 4.983% of the amount in excess of \$40,000	22523
More than \$80,000 but not more than \$100,000	\$3,274.30 plus 5.693% of the amount in excess of \$80,000	22524
More than \$100,000 but not more than \$200,000	\$4,412.90 plus 6.61% of the amount in excess of \$100,000	22525
More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000	22526
(3) For taxable years beginning in 2006:		22527

OHIO ADJUSTED GROSS INCOME LESS		22528
EXEMPTIONS (INDIVIDUALS)		
OR		22529
MODIFIED OHIO		22530
TAXABLE INCOME (TRUSTS)		22531
OR		22532
OHIO TAXABLE INCOME (ESTATES)	TAX	22533
\$5,000 or less	.681%	22534
More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	22535
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	22536
More than \$15,000 but not more than \$20,000	\$238.20 plus 3.403% of the amount in excess of \$15,000	22537
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	22538
More than \$40,000 but not more than \$80,000	\$1,224.95 plus 4.764% of the amount in excess of \$40,000	22539
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	22540
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	22541
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	22542
(4) For taxable years beginning in 2007:		22543
OHIO ADJUSTED GROSS INCOME LESS		22544
EXEMPTIONS (INDIVIDUALS)		
OR		22545
MODIFIED OHIO		22546
TAXABLE INCOME (TRUSTS)		22547
OR		22548
OHIO TAXABLE INCOME (ESTATES)	TAX	22549
\$5,000 or less	.649%	22550

More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	22551
More than \$10,000 but not more than \$15,000	\$97.40 plus 2.598% of the amount in excess of \$10,000	22552
More than \$15,000 but not more than \$20,000	\$227.30 plus 3.247% of the amount in excess of \$15,000	22553
More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	22554
More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	22555
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	22556
More than \$100,000 but not more than \$200,000	\$4,025.85 plus 6.031% of the amount in excess of \$100,000	22557
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	22558
(5) For taxable years beginning in 2008:		22559
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		22560
OR		22561
MODIFIED OHIO		22562
TAXABLE INCOME (TRUSTS)		22563
OR		22564
OHIO TAXABLE INCOME (ESTATES)	TAX	22565
\$5,000 or less	.618%	22566
More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	22567
More than \$10,000 but not more than \$15,000	\$92.70 plus 2.473% of the amount in excess of \$10,000	22568
More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	22569
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	22570

More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	22571
More than \$80,000 but not more than \$100,000	\$2,843.30 plus 4.945% of the amount in excess of \$80,000	22572
More than \$100,000 but not more than \$200,000	\$3,832.30 plus 5.741% of the amount in excess of \$100,000	22573
More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	22574
(6) For taxable years beginning in 2009 or thereafter:		22575
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		22576
OR		22577
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		22578
OR		22579
OHIO TAXABLE INCOME (ESTATES)	TAX	22580
\$5,000 or less	.587%	22581
More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	22582
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	22583
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	22584
More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	22585
More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	22586
More than \$80,000 but not more than \$100,000	\$2,700.00 plus 4.695% of the amount in excess of \$80,000	22587
More than \$100,000 but not more than \$200,000	\$3,639.00 plus 5.451% of the amount in excess of \$100,000	22588
More than \$200,000	\$9,090.00 plus 5.925% of the amount in excess of \$200,000	22589

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 made.

(C) The levy of this tax on income does not prevent a municipal corporation, a joint economic development zone created under section 715.691, or a joint economic development district created under section 715.70 or 715.71 or sections 715.72 to 715.81 of the Revised Code from levying a tax on income.

(D) This division applies only to taxable years of a trust beginning in 2002 or thereafter.

(1) The tax imposed by this section on a trust shall be 22622
computed by multiplying the Ohio modified taxable income of the 22623
trust by the rates prescribed by division (A) of this section. 22624

(2) A nonresident trust may claim a credit ~~is allowed~~ against 22625
the tax computed under division (D) of this section equal to the 22626
lesser of (1) the tax paid to another state or the District of 22627
Columbia on the nonresident trust's modified nonbusiness income, 22628
other than the portion of the nonresident trust's nonbusiness 22629
income that is qualifying investment income as defined in section 22630
5747.012 of the Revised Code, or (2) the effective tax rate, based 22631
on modified Ohio taxable income, multiplied by the nonresident 22632
trust's modified nonbusiness income other than the portion of the 22633
nonresident trust's nonbusiness income that is qualifying 22634
investment income. The credit applies before any other applicable 22635
credits. 22636

(3) The credits enumerated in divisions (A)(1) to (13) of 22637
section 5747.98 of the Revised Code do not apply to a trust 22638
subject to ~~this~~ division (D) of this section. Any credits 22639
enumerated in other divisions of section 5747.98 of the Revised 22640
Code apply to a trust subject to ~~this~~ division (D) of this 22641
section. To the extent that the trust distributes income for the 22642
taxable year for which a credit is available to the trust, the 22643
credit shall be shared by the trust and its beneficiaries. The tax 22644
commissioner and the trust shall be guided by applicable 22645
regulations of the United States treasury regarding the sharing of 22646
credits. 22647

(E) For the purposes of this section, "trust" means any trust 22648
described in Subchapter J of Chapter 1 of the Internal Revenue 22649
Code, excluding trusts that are not irrevocable as defined in 22650
division (I)(3)(b) of section 5747.01 of the Revised Code and that 22651
have no modified Ohio taxable income for the taxable year, 22652
charitable remainder trusts, qualified funeral trusts and preneed 22653

funeral contract trusts established pursuant to section 1111.19 of 22654
the Revised Code that are not qualified funeral trusts, endowment 22655
and perpetual care trusts, qualified settlement trusts and funds, 22656
designated settlement trusts and funds, and trusts exempted from 22657
taxation under section 501(a) of the Internal Revenue Code. 22658

Sec. 5747.082. (A) As used in this section: 22659

(1) "Electronic technology" means electronic technology 22660
acceptable to the tax commissioner under division (B) of this 22661
section. 22662

(2) "Original tax return" means any report, return, or other 22663
tax document required to be filed under this chapter for the 22664
purpose of reporting the taxes due under, and withholdings 22665
required by, this chapter. "Original tax return" does not include 22666
an amended return or any declaration or form required by or filed 22667
in connection with section 5747.09 of the Revised Code. 22668

(3) "Related member" has the same meaning as in section 22669
5733.042 of the Revised Code. 22670

(4) "Tax return preparer" means any person that operates a 22671
business that prepares, or directly or indirectly employs another 22672
person to prepare, for a taxpayer an original tax return in 22673
exchange for compensation or remuneration from the taxpayer or the 22674
taxpayer's related member. With respect to the preparation of a 22675
return or application for refund under this chapter, "tax return 22676
preparer" does not include an individual who performs only one or 22677
more of the following activities: 22678

(a) Furnishes typing, reproducing, or other mechanical 22679
assistance; 22680

(b) Prepares an application for refund or a return on behalf 22681
of an employer by whom the individual is regularly and 22682
continuously employed, or on behalf of an officer or employee of 22683

that employer; 22684

(c) Prepares as a fiduciary an application for refund or a return; 22685
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(d) Prepares an application for refund or a return for a taxpayer in response to a notice of deficiency issued to the taxpayer or the taxpayer's related member, or in response to a waiver of restriction after the commencement of an audit of the taxpayer or the taxpayer's related member. 22687
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(B) Divisions (C) and (D) of this section apply to the filing of original tax returns that are due in a calendar year only if the tax commissioner, by the last day of the calendar year immediately preceding the calendar year in which such returns are due, has published on the department of taxation's official internet web site at least one method of electronic technology acceptable to the commissioner for filing such returns. 22692
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(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 preparer prepared no more than twenty-five original tax returns. 22699
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(D) If a tax return preparer required by this section to submit original tax returns by electronic technology files an original tax return by some means other than by electronic technology, the tax commissioner shall impose a penalty of fifty dollars for each return that is not filed by electronic technology. Upon good cause shown by the tax return preparer, the tax commissioner may waive all or any portion of the penalty or 22708
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may refund all or any portion of the penalty the tax return 22715
preparer has paid. 22716

Sec. 5748.022. A majority of the members of a board of 22717
education of a school district levying a tax under section 5748.02 22718
of the Revised Code may adopt a resolution reducing the rate of 22719
the tax by a multiple of one-fourth of one per cent. 22720

The resolution shall set forth the current rate of the tax, 22721
the reduced rate of tax that results from adoption of the 22722
resolution, the purpose or purposes for which the tax is levied, 22723
the remaining number of years the tax will be levied or that it is 22724
levied for a continuing period of time, and the date on which the 22725
reduced tax rate shall take effect, which shall be the ensuing 22726
first day of January occurring at least ~~sixty~~ forty-five days 22727
after a copy of the resolution is certified to the tax 22728
commissioner. 22729

Sec. 5749.17. Any information provided to the department of 22730
natural resources by the department of taxation in accordance with 22731
division (C)(11) of section 5703.21 of the Revised Code shall not 22732
be disclosed publicly by the department of natural resources, but 22733
the department of natural resources may provide such information 22734
to the attorney general for purposes of enforcement of the law. 22735

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 22736
the Revised Code: 22737

(1) "School district," "joint vocational school district," 22738
"local taxing unit," "recognized valuation," "fixed-rate levy," 22739
and "fixed-sum levy" have the same meanings as used in section 22740
5727.84 of the Revised Code. 22741

(2) "State education aid" for a school district means the sum 22742
of state aid amounts computed for the district under division (A) 22743

of section 3317.022 of the Revised Code, including the amounts 22744
calculated under sections 3317.029 and 3317.0217 of the Revised 22745
Code; divisions (C)(1), (C)(4), (D), (E), and (F) of section 22746
3317.022; divisions (B), (C), and (D) of section 3317.023; 22747
divisions (L) and (N) of section 3317.024; section 3317.0216; and 22748
any unit payments for gifted student services paid under sections 22749
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 22750
for fiscal years 2008 and 2009, the amount computed for the 22751
district under Section 269.20.80 of H.B. 119 of the 127th general 22752
assembly and as that section subsequently may be amended shall be 22753
substituted for the amount computed under division (D) of section 22754
3317.022 of the Revised Code, and the amount computed under 22755
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 22756
that section subsequently may be amended shall be included. 22757

(3) "State education aid" for a joint vocational school 22758
district means the sum of the state aid computed for the district 22759
under division (N) of section 3317.024 and section 3317.16 of the 22760
Revised Code, except that, for fiscal years 2008 and 2009, the 22761
amount computed under Section 269.30.80 of H.B. 119 of the 127th 22762
general assembly and as that section subsequently may be amended 22763
shall be included. 22764

(4) "State education aid offset" means the amount determined 22765
for each school district or joint vocational school district under 22766
division (A)(1) of section 5751.21 of the Revised Code. 22767

(5) "Machinery and equipment property tax value loss" means 22768
the amount determined under division (C)(1) of this section. 22769

(6) "Inventory property tax value loss" means the amount 22770
determined under division (C)(2) of this section. 22771

(7) "Furniture and fixtures property tax value loss" means 22772
the amount determined under division (C)(3) of this section. 22773

(8) "Machinery and equipment fixed-rate levy loss" means the 22774

amount determined under division (D)(1) of this section.	22775
(9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section.	22776 22777
(10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section.	22778 22779
(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.	22780 22781 22782 22783
(12) "Fixed-sum levy loss" means the amount determined under division (E) of this section.	22784 22785
(13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code.	22786 22787 22788
(14) "Inventory" means personal property subject to the assessment rate specified in division (E) of section 5711.22 of the Revised Code.	22789 22790 22791
(15) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code.	22792 22793 22794
(16) "Qualifying levies" are levies in effect for tax year 2004 or applicable to tax year 2005 or approved at an election conducted before September 1, 2005. For the purpose of determining the rate of a qualifying levy authorized by section 5705.212 or 5705.213 of the Revised Code, the rate shall be the rate that would be in effect for tax year 2010.	22795 22796 22797 22798 22799 22800
(17) "Telephone property" means tangible personal property of a telephone, telegraph, or interexchange telecommunications company subject to an assessment rate specified in section 5727.111 of the Revised Code in tax year 2004.	22801 22802 22803 22804

(18) "Telephone property tax value loss" means the amount 22805
determined under division (C)(4) of this section. 22806

(19) "Telephone property fixed-rate levy loss" means the 22807
amount determined under division (D)(4) of this section. 22808

(B) The commercial activities tax receipts fund is hereby 22809
created in the state treasury and shall consist of money arising 22810
from the tax imposed under this chapter. All money in that fund 22811
shall be credited for each fiscal year in the following 22812
percentages to the general revenue fund, to the school district 22813
tangible property tax replacement fund, which is hereby created in 22814
the state treasury for the purpose of making the payments 22815
described in section 5751.21 of the Revised Code, and to the local 22816
government tangible property tax replacement fund, which is hereby 22817
created in the state treasury for the purpose of making the 22818
payments described in section 5751.22 of the Revised Code, in the 22819
following percentages: 22820

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%	22821
2007	0%	70.0%	30.0%	22822
2008	0%	70.0%	30.0%	22823
2009	0%	70.0%	30.0%	22824
2010	0%	70.0%	30.0%	22825
2011	0%	70.0%	30.0%	22826
2012	5.3%	70.0%	24.7%	22827
2013	10.6%	70.0%	19.4%	22828
2014	14.1%	70.0%	15.9%	22829
2015	17.6%	70.0%	12.4%	22830
2016	21.1%	70.0%	8.9%	22831
2017	24.6%	70.0%	5.4%	22832

2018	28.1%	70.0%	1.9%	22834
2019 and thereafter	30%	70%	0%	22835

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, thirty-three and eight-tenths per cent;

(b) For tax year 2007, sixty-one and three-tenths per cent;

(c) For tax year 2008, eighty-three per cent;

(d) For tax year 2009 and thereafter, one hundred per cent.

(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;

(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;

(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;

(d) For tax year 2009 and thereafter a fraction, the

numerator of which is seventeen and the denominator of which is 22863
twenty-three. 22864

(3) Furniture and fixtures property tax value loss is the 22865
taxable value of furniture and fixture property as reported by 22866
taxpayers for tax year 2004 multiplied by: 22867

(a) For tax year 2006, twenty-five per cent; 22868

(b) For tax year 2007, fifty per cent; 22869

(c) For tax year 2008, seventy-five per cent; 22870

(d) For tax year 2009 and thereafter, one hundred per cent. 22871

The taxable value of property reported by taxpayers used in 22872
divisions (C)(1), (2), and (3) of this section shall be such 22873
values as determined to be final by the tax commissioner as of 22874
August 31, 2005. Such determinations shall be final except for any 22875
correction of a clerical error that was made prior to August 31, 22876
2005, by the tax commissioner. 22877

(4) Telephone property tax value loss is the taxable value of 22878
telephone property as taxpayers would have reported that property 22879
for tax year 2004 if the assessment rate for all telephone 22880
property for that year were twenty-five per cent, multiplied by: 22881

(a) For tax year 2006, zero per cent; 22882

(b) For tax year 2007, zero per cent; 22883

(c) For tax year 2008, zero per cent; 22884

(d) For tax year 2009, sixty per cent; 22885

(e) For tax year 2010, eighty per cent; 22886

(f) For tax year 2011 and thereafter, one hundred per cent. 22887

(5) Division (C)(5) of this section applies to any school 22888
district, joint vocational school district, or local taxing unit 22889
in a county in which is located a facility currently or formerly 22890
devoted to the enrichment or commercialization of uranium or 22891

uranium products, and for which the total taxable value of 22892
property listed on the general tax list of personal property for 22893
any tax year from tax year 2001 to tax year 2004 was fifty per 22894
cent or less of the taxable value of such property listed on the 22895
general tax list of personal property for the next preceding tax 22896
year. 22897

In computing the fixed-rate levy losses under divisions 22898
(D)(1), (2), and (3) of this section for any school district, 22899
joint vocational school district, or local taxing unit to which 22900
division (C)(5) of this section applies, the taxable value of such 22901
property as listed on the general tax list of personal property 22902
for tax year 2000 shall be substituted for the taxable value of 22903
such property as reported by taxpayers for tax year 2004, in the 22904
taxing district containing the uranium facility, if the taxable 22905
value listed for tax year 2000 is greater than the taxable value 22906
reported by taxpayers for tax year 2004. For the purpose of making 22907
the computations under divisions (D)(1), (2), and (3) of this 22908
section, the tax year 2000 valuation is to be allocated to 22909
machinery and equipment, inventory, and furniture and fixtures 22910
property in the same proportions as the tax year 2004 values. For 22911
the purpose of the calculations in division (A) of section 5751.21 22912
of the Revised Code, the tax year 2004 taxable values shall be 22913
used. 22914

To facilitate the calculations required under division (C) of 22915
this section, the county auditor, upon request from the tax 22916
commissioner, shall provide by August 1, 2005, the values of 22917
machinery and equipment, inventory, and furniture and fixtures for 22918
all single-county personal property taxpayers for tax year 2004. 22919

(D) Not later than September 15, 2005, the tax commissioner 22920
shall determine for each tax year from 2006 through 2009 for each 22921
school district, joint vocational school district, and local 22922
taxing unit its machinery and equipment, inventory, and furniture 22923

and fixtures fixed-rate levy losses, and for each tax year from 2006 through 2011 its telephone property fixed-rate levy loss, which are the applicable amounts described in divisions (D)(1), (2), (3), and (4) of this section:

(1) The machinery and equipment fixed-rate levy loss is the machinery and equipment property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(2) The inventory fixed-rate loss is the inventory property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(3) The furniture and fixtures fixed-rate levy loss is the furniture and fixture property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(4) The telephone property fixed-rate levy loss is the telephone property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(E) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss. The fixed-sum levy loss is the amount obtained by subtracting the amount described in division (E)(2) of this section from the amount described in division (E)(1) of this section:

(1) The sum of the machinery and equipment property tax value loss, the inventory property tax value loss, and the furniture and fixtures property tax value loss, and, for 2008 through 2017 the telephone property tax value loss of the district or unit multiplied by the sum of the fixed-sum tax rates of qualifying levies. For 2006 through 2010, this computation shall include all qualifying levies remaining in effect for the current tax year and any school district ~~emergency~~ levies imposed under section 5705.194 or 5705.213 of the Revised Code that are qualifying

levies not remaining in effect for the current year. For 2011 22955
through 2017 in the case of school district ~~emergency~~ levies 22956
imposed under section 5705.194 or 5705.213 of the Revised Code and 22957
for all years after 2010 in the case of other fixed-sum levies, 22958
this computation shall include only qualifying levies remaining in 22959
effect for the current year. For purposes of this computation, a 22960
qualifying school district ~~emergency~~ levy imposed under section 22961
5705.194 or 5705.213 of the Revised Code remains in effect in a 22962
year after 2010 only if, for that year, the board of education 22963
levies a school district ~~emergency~~ levy imposed under section 22964
5705.194 or 5705.213 of the Revised Code for an annual sum at 22965
least equal to the annual sum levied by the board in tax year 2004 22966
less the amount of the payment certified under this division for 22967
2006. 22968

(2) The total taxable value in tax year 2004 less the sum of 22969
the machinery and equipment, inventory, furniture and fixtures, 22970
and telephone property tax value losses in each school district, 22971
joint vocational school district, and local taxing unit multiplied 22972
by one-half of one mill per dollar. 22973

(3) For the calculations in divisions (E)(1) and (2) of this 22974
section, the tax value losses are those that would be calculated 22975
for tax year 2009 under divisions (C)(1), (2), and (3) of this 22976
section and for tax year 2011 under division (C)(4) of this 22977
section. 22978

(4) To facilitate the calculation under divisions (D) and (E) 22979
of this section, not later than September 1, 2005, any school 22980
district, joint vocational school district, or local taxing unit 22981
that has a qualifying levy that was approved at an election 22982
conducted during 2005 before September 1, 2005, shall certify to 22983
the tax commissioner a copy of the county auditor's certificate of 22984
estimated property tax millage for such levy as required under 22985
division (B) of section 5705.03 of the Revised Code, which is the 22986

rate that shall be used in the calculations under such divisions. 22987

If the amount determined under division (E) of this section 22988
for any school district, joint vocational school district, or 22989
local taxing unit is greater than zero, that amount shall equal 22990
the reimbursement to be paid pursuant to division ~~(D)~~ (E) of 22991
section 5751.21 or division (A)(3) of section 5751.22 of the 22992
Revised Code, and the one-half of one mill that is subtracted 22993
under division (E)(2) of this section shall be apportioned among 22994
all contributing fixed-sum levies in the proportion that each levy 22995
bears to the sum of all fixed-sum levies within each school 22996
district, joint vocational school district, or local taxing unit. 22997

(F) Not later than October 1, 2005, the tax commissioner 22998
shall certify to the department of education for every school 22999
district and joint vocational school district the machinery and 23000
equipment, inventory, furniture and fixtures, and telephone 23001
property tax value losses determined under division (C) of this 23002
section, the machinery and equipment, inventory, furniture and 23003
fixtures, and telephone fixed-rate levy losses determined under 23004
division (D) of this section, and the fixed-sum levy losses 23005
calculated under division (E) of this section. The calculations 23006
under divisions (D) and (E) of this section shall separately 23007
display the levy loss for each levy eligible for reimbursement. 23008

(G) Not later than October 1, 2005, the tax commissioner 23009
shall certify the amount of the fixed-sum levy losses to the 23010
county auditor of each county in which a school district, joint 23011
vocational school district, or local taxing unit with a fixed-sum 23012
levy loss reimbursement has territory. 23013

Sec. 5751.21. (A) Not later than the ~~fifteenth~~ thirtieth day 23014
of July of 2007 through 2017, the department of education shall 23015
consult with the director of budget and management and determine 23016
the following for each school district and each joint vocational 23017

school district eligible for payment under division (B) of this section: 23018
23019

(1) The state education aid offset, which is the difference obtained by subtracting the amount described in division (A)(1)(b) of this section from the amount described in division (A)(1)(a) of this section: 23020
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(a) The state education aid computed for the school district or joint vocational school district for the current fiscal year as of the ~~fifteenth~~ thirtieth day of July; 23024
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(b) The state education aid that would be computed for the school district or joint vocational school district for the current fiscal year as of the ~~fifteenth~~ thirtieth day of July if the recognized valuation included the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses for the school district or joint vocational school district for the second preceding tax year, and if taxes charged and payable associated with the tax value losses are accounted for in any state education aid computation dependent on taxes charged and payable. 23027
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(2) The greater of zero or the difference obtained by subtracting the state education aid offset determined under division (A)(1) of this section from the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, furniture and fixtures fixed-rate levy loss, and telephone property fixed-rate levy loss certified under division (F) of section 5751.20 of the Revised Code for all taxing districts in each school district and joint vocational school district for the second preceding tax year. 23037
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By the ~~twentieth~~ thirtieth day of July of each such year, the department of education and the director of budget and management shall agree upon the amount to be determined under division (A)(1) 23046
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of this section. 23049

(B)(1) On or before the thirtieth day of June of each fiscal year beginning in 2008, the department of education shall recalculate the offset described under division (A) of this section, and adjust payments made under division (C) of this section accordingly so that the total annualized reimbursement for that fiscal year is based on the recalculated offset. 23050
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(2) On or before the thirty-first day of December of each year beginning in 2008, the department, in consultation with the director of budget and management, shall recalculate the offset described under division (A) of this section to determine the annualized reimbursement that should have been made for the prior fiscal year under division (C) of this section. The department shall adjust future payments under division (C) of this section to account for any underpayments or overpayments in the prior fiscal year. 23056
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(C) The department of education shall pay from the school district tangible property tax replacement fund to each school district and joint vocational school district all of the following for fixed-rate levy losses certified under division (F) of section 5751.20 of the Revised Code: 23065
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(1) On or before May 31, 2006, one-seventh of the total fixed-rate levy loss for tax year 2006; 23070
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(2) On or before August 31, 2006, and October 31, 2006, one-half of six-sevenths of the total fixed-rate levy loss for tax year 2006; 23072
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(3) On or before May 31, 2007, one-seventh of the total fixed-rate levy loss for tax year 2007; 23075
23076

(4) On or before August 31, 2007, and October 31, 2007, forty-three per cent of the amount determined under division (A)(2) of this section for fiscal year 2008, but not less than 23077
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zero, plus one-half of six-sevenths of the difference between the 23080
total fixed-rate levy loss for tax year 2007 and the total 23081
fixed-rate levy loss for tax year 2006. 23082

(5) On or before ~~May 31~~ June 30, 2008, fourteen per cent of 23083
the amount determined under division (A)(2) of this section for 23084
fiscal year 2008, but not less than zero, plus one-seventh of the 23085
difference between the total fixed-rate levy loss for tax year 23086
2008 and the total fixed-rate levy loss for tax year 2006. 23087

(6) On or before August 31, 2008, and October 31, 2008, 23088
forty-three per cent of the amount determined under division 23089
(A)(2) of this section for fiscal year 2009, but not less than 23090
zero, plus one-half of six-sevenths of the difference between the 23091
total fixed-rate levy loss in tax year 2008 and the total 23092
fixed-rate levy loss in tax year 2007. 23093

(7) On or before ~~May 31~~ June 30, 2009, fourteen per cent of 23094
the amount determined under division (A)(2) of this section for 23095
fiscal year 2009, but not less than zero, plus one-seventh of the 23096
difference between the total fixed-rate levy loss for tax year 23097
2009 and the total fixed-rate levy loss for tax year 2007. 23098

(8) On or before August 31, 2009, and October 31, 2009, 23099
forty-three per cent of the amount determined under division 23100
(A)(2) of this section for fiscal year 2010, but not less than 23101
zero, plus one-half of six-sevenths of the difference between the 23102
total fixed-rate levy loss in tax year 2009 and the total 23103
fixed-rate levy loss in tax year 2008. 23104

(9) On or before ~~May 31~~ June 30, 2010, fourteen per cent of 23105
the amount determined under division (A)(2) of this section for 23106
fiscal year 2010, but not less than zero, plus one-seventh of the 23107
difference between the total fixed-rate levy loss in tax year 2010 23108
and the total fixed-rate levy loss in tax year 2008. 23109

(10) On or before August 31, 2010, and October 31, 2010, 23110

forty-three per cent of the amount determined under division 23111
(A)(2) of this section for fiscal year 2011, but not less than 23112
zero, plus one-half of six-sevenths of the difference between the 23113
telephone property fixed-rate levy loss for tax year 2010 and the 23114
telephone property fixed-rate levy loss for tax year 2009. 23115

(11) On or before ~~May 31~~ June 30, 2011, fourteen per cent of 23116
the amount determined under division (A)(2) of this section for 23117
fiscal year 2011, but not less than zero, plus one-seventh of the 23118
difference between the telephone property fixed-rate levy loss for 23119
tax year 2011 and the telephone property fixed-rate levy loss for 23120
tax year 2009. 23121

(12) On or before August 31, 2011, and October 31, 2011, the 23122
amount determined under division (A)(2) of this section multiplied 23123
by a fraction, the numerator of which is fourteen and the 23124
denominator of which is seventeen, but not less than zero, 23125
multiplied by forty-three per cent, plus one-half of six-sevenths 23126
of the difference between the telephone property fixed-rate levy 23127
loss for tax year 2011 and the telephone property fixed-rate levy 23128
loss for tax year 2010. 23129

(13) On or before ~~May 31~~ June 30, 2012, fourteen per cent of 23130
the amount determined under division (A)(2) of this section for 23131
fiscal year 2012, multiplied by a fraction, the numerator of which 23132
is fourteen and the denominator of which is seventeen, plus 23133
one-seventh of the difference between the telephone property 23134
fixed-rate levy loss for tax year 2011 and the telephone property 23135
fixed-rate levy loss for tax year 2010. 23136

(14) On or before August 31, 2012, October 31, 2012, and ~~May~~ 23137
~~31~~ June 30, 2013, the amount determined under division (A)(2) of 23138
this section multiplied by a fraction, the numerator of which is 23139
eleven and the denominator of which is seventeen, but not less 23140
than zero, multiplied by one-third. 23141

(15) On or before August 31, 2013, October 31, 2013, and ~~May~~ 23142
~~31 June 30~~, 2014, the amount determined under division (A)(2) of 23143
this section multiplied by a fraction, the numerator of which is 23144
nine and the denominator of which is seventeen, but not less than 23145
zero, multiplied by one-third. 23146

(16) On or before August 31, 2014, October 31, 2014, and ~~May~~ 23147
~~31 June 30~~, 2015, the amount determined under division (A)(2) of 23148
this section multiplied by a fraction, the numerator of which is 23149
seven and the denominator of which is seventeen, but not less than 23150
zero, multiplied by one-third. 23151

(17) On or before August 31, 2015, October 31, 2015, and ~~May~~ 23152
~~31 June 30~~, 2016, the amount determined under division (A)(2) of 23153
this section multiplied by a fraction, the numerator of which is 23154
five and the denominator of which is seventeen, but not less than 23155
zero, multiplied by one-third. 23156

(18) On or before August 31, 2016, October 31, 2016, and ~~May~~ 23157
~~31 June 30~~, 2017, the amount determined under division (A)(2) of 23158
this section multiplied by a fraction, the numerator of which is 23159
three and the denominator of which is seventeen, but not less than 23160
zero, multiplied by one-third. 23161

(19) On or before August 31, 2017, October 31, 2017, and ~~May~~ 23162
~~31 June 30~~, 2018, the amount determined under division (A)(2) of 23163
this section multiplied by a fraction, the numerator of which is 23164
one and the denominator of which is seventeen, but not less than 23165
zero, multiplied by one-third. 23166

The department of education shall report to each school 23167
district and joint vocational school district the apportionment of 23168
the payments among the school district's or joint vocational 23169
school district's funds based on the certifications under division 23170
(F) of section 5751.20 of the Revised Code. 23171

Any qualifying levy that is a fixed-rate levy that is not 23172

applicable to a tax year after 2010 does not qualify for any 23173
reimbursement after the tax year to which it is last applicable. 23174

~~(C)~~(D) For taxes levied within the ten-mill limitation for 23175
debt purposes in tax year 2005, payments shall be made equal to 23176
one hundred per cent of the loss computed as if the tax were a 23177
fixed-rate levy, but those payments shall extend from fiscal year 23178
2006 through fiscal year 2018, as long as the qualifying levy 23179
continues to be used for debt purposes. If the purpose of such a 23180
qualifying levy is changed, that levy becomes subject to the 23181
payments determined in division ~~(B)~~(C) of this section. 23182

~~(D)~~(E)(1) Not later than January 1, 2006, for each fixed-sum 23183
levy of each school district or joint vocational school district 23184
and for each year for which a determination is made under division 23185
(F) of section 5751.20 of the Revised Code that a fixed-sum levy 23186
loss is to be reimbursed, the tax commissioner shall certify to 23187
the department of education the fixed-sum levy loss determined 23188
under that division. The certification shall cover a time period 23189
sufficient to include all fixed-sum levies for which the 23190
commissioner made such a determination. The department shall pay 23191
from the school district property tax replacement fund to the 23192
school district or joint vocational school district one-third of 23193
the fixed-sum levy loss so certified for each year on or before 23194
the last day of ~~May~~ June, August, and October of the current year. 23195

(2) Beginning in 2006, by the first day of January of each 23196
year, the tax commissioner shall review the certification 23197
originally made under division ~~(D)~~(E)(1) of this section. If the 23198
commissioner determines that a debt levy that had been scheduled 23199
to be reimbursed in the current year has expired, a revised 23200
certification for that and all subsequent years shall be made to 23201
the department of education. 23202

~~(E)~~(F) Beginning in September 2007 and through June 2018, the 23203
director of budget and management shall transfer from the school 23204

district tangible property tax replacement fund to the general 23205
revenue fund each of the following: 23206

(1) On the first day of September, one-fourth of the amount 23207
determined for that fiscal year under division (A)(1) of this 23208
section; 23209

(2) On the first day of December, one-fourth of the amount 23210
determined for that fiscal year under division (A)(1) of this 23211
section; 23212

(3) On the first day of March, one-fourth of the amount 23213
determined for that fiscal year under division (A)(1) of this 23214
section; 23215

(4) On the first day of June, one-fourth of the amount 23216
determined for that fiscal year under division (A)(1) of this 23217
section. 23218

If, when a transfer is required under division ~~(E)~~(F)(1), 23219
(2), (3), or (4) of this section, there is not sufficient money in 23220
the school district tangible property tax replacement fund to make 23221
the transfer in the required amount, the director shall transfer 23222
the balance in the fund to the general revenue fund and may make 23223
additional transfers on later dates as determined by the director 23224
in a total amount that does not exceed one-fourth of the amount 23225
determined for the fiscal year. 23226

~~(F)~~(G) For each of the fiscal years 2006 through 2018, if the 23227
total amount in the school district tangible property tax 23228
replacement fund is insufficient to make all payments under 23229
divisions ~~(B)~~(C), ~~(C)~~(D), and ~~(D)~~(E) of this section at the times 23230
the payments are to be made, the director of budget and management 23231
shall transfer from the general revenue fund to the school 23232
district tangible property tax replacement fund the difference 23233
between the total amount to be paid and the amount in the school 23234
district tangible property tax replacement fund. For each fiscal 23235

year after 2018, at the time payments under division ~~(D)~~(E) of 23236
this section are to be made, the director of budget and management 23237
shall transfer from the general revenue fund to the school 23238
district property tax replacement fund the amount necessary to 23239
make such payments. 23240

~~(G)~~(H)(1) On the fifteenth day of June of 2006 through 2011, 23241
the director of budget and management may transfer any balance in 23242
the school district tangible property tax replacement fund to the 23243
general revenue fund. At the end of fiscal years 2012 through 23244
2018, any balance in the school district tangible property tax 23245
replacement fund shall remain in the fund to be used in future 23246
fiscal years for school purposes. 23247

(2) In each fiscal year beginning with fiscal year 2019, all 23248
amounts credited to the school district tangible personal property 23249
tax replacement fund shall be appropriated for school purposes. 23250

~~(H)~~(I) If all of the territory of a school district or joint 23251
vocational school district is merged with another district, or if 23252
a part of the territory of a school district or joint vocational 23253
school district is transferred to an existing or newly created 23254
district, the department of education, in consultation with the 23255
tax commissioner, shall adjust the payments made under this 23256
section as follows: 23257

(1) For a merger of two or more districts, the machinery and 23258
equipment, inventory, furniture and fixtures, and telephone 23259
property fixed-rate levy losses and the fixed-sum levy losses of 23260
the successor district shall be equal to the sum of the machinery 23261
and equipment, inventory, furniture and fixtures, and telephone 23262
property fixed-rate levy losses and debt levy losses as determined 23263
in section 5751.20 of the Revised Code, for each of the districts 23264
involved in the merger. 23265

(2) If property is transferred from one district to a 23266

previously existing district, the amount of machinery and 23267
equipment, inventory, furniture and fixtures, and telephone 23268
property tax value losses and fixed-rate levy losses that shall be 23269
transferred to the recipient district shall be an amount equal to 23270
the total machinery and equipment, inventory, furniture and 23271
fixtures, and telephone property fixed-rate levy losses times a 23272
fraction, the numerator of which is the value of business tangible 23273
personal property on the land being transferred in the most recent 23274
year for which data are available, and the denominator of which is 23275
the total value of business tangible personal property in the 23276
district from which the land is being transferred in the most 23277
recent year for which data are available. For each of the first 23278
five years after the property is transferred, but not after fiscal 23279
year 2012, if the tax rate in the recipient district is less than 23280
the tax rate of the district from which the land was transferred, 23281
one-half of the payments arising from the amount of fixed-rate 23282
levy losses so transferred to the recipient district shall be paid 23283
to the recipient district and one-half of the payments arising 23284
from the fixed-rate levy losses so transferred shall be paid to 23285
the district from which the land was transferred. Fixed-rate levy 23286
losses so transferred shall be computed on the basis of the sum of 23287
the rates of fixed-rate qualifying levies of the district from 23288
which the land was transferred, notwithstanding division ~~(D)~~(E) of 23289
this section. 23290

(3) After December 31, 2004, if property is transferred from 23291
one or more districts to a district that is newly created out of 23292
the transferred property, the newly created district shall be 23293
deemed not to have any machinery and equipment, inventory, 23294
furniture and fixtures, or telephone property fixed-rate levy 23295
losses and the districts from which the property was transferred 23296
shall have no reduction in their machinery and equipment, 23297
inventory, furniture and fixtures, and telephone property 23298
fixed-rate levy losses. 23299

(4) If the recipient district under division ~~(H)~~(I)(2) of 23300
this section or the newly created district under divisions 23301
~~(H)~~(I)(3) of this section is assuming debt from one or more of the 23302
districts from which the property was transferred and any of the 23303
districts losing the property had fixed-sum levy losses, the 23304
department of education, in consultation with the tax 23305
commissioner, shall make an equitable division of the fixed-sum 23306
levy loss reimbursements. 23307

Sec. 6117.01. (A) As used in this chapter: 23308

(1) "Sanitary facilities" means sanitary sewers, force mains, 23309
lift or pumping stations, and facilities for the treatment, 23310
disposal, impoundment, or storage of wastes; equipment and 23311
furnishings; and all required appurtenances and necessary real 23312
estate and interests in real estate. 23313

(2) "Drainage" or "waters" means flows from rainfall or 23314
otherwise produced by, or resulting from, the elements, storm 23315
water discharges and releases or migrations of waters from 23316
properties, accumulations, flows, and overflows of water, 23317
including accelerated flows and runoffs, flooding and threats of 23318
flooding of properties and structures, and other surface and 23319
subsurface drainage. 23320

(3) "Drainage facilities" means storm sewers, force mains, 23321
pumping stations, and facilities for the treatment, disposal, 23322
impoundment, retention, control, or storage of waters; 23323
improvements of or for any channel, ditch, drain, floodway, or 23324
watercourse, including location, construction, reconstruction, 23325
reconditioning, widening, deepening, cleaning, removal of 23326
obstructions, straightening, boxing, culverting, tiling, filling, 23327
walling, arching, or change in course, location, or terminus; 23328
improvements of or for a river, creek, or run, including 23329
reinforcement of banks, enclosing, deepening, widening, 23330

straightening, removal of obstructions, or change in course, 23331
location, or terminus; facilities for the protection of lands from 23332
the overflow of water, including a levee, wall, embankment, jetty, 23333
dike, dam, sluice, revetment, reservoir, retention or holding 23334
basin, control gate, or breakwater; facilities for controlled 23335
drainage, regulation of stream flow, and protection of an outlet; 23336
the vacation of a ditch or drain; equipment and furnishings; and 23337
all required appurtenances and necessary real estate and interests 23338
in real estate. 23339

(4) "County sanitary engineer" means either of the following: 23340

(a) The registered professional engineer employed or 23341
appointed by the board of county commissioners to be the county 23342
sanitary engineer as provided in this section ~~6117.01 of the~~ 23343
~~Revised Code;~~ 23344

(b) The county engineer, if, for as long as and to the extent 23345
that engineer by agreement entered into under section 315.14 of 23346
the Revised Code is retained to discharge duties of a county 23347
sanitary engineer under this chapter. 23348

(5) "Current operating expenses," "debt charges," "permanent 23349
improvement," "public obligations," and "subdivision" have the 23350
same meanings as in section 133.01 of the Revised Code. 23351

(6) "Construct," "construction," or "constructing" means 23352
construction, reconstruction, enlargement, extension, improvement, 23353
renovation, repair, and replacement of sanitary or drainage 23354
facilities or of prevention or replacement facilities, but does 23355
not include any repairs, replacements, or similar actions that do 23356
not constitute and qualify as permanent improvements. 23357

(7) "Maintain," "maintaining," or "maintenance" means 23358
repairs, replacements, and similar actions that constitute and are 23359
payable as current operating expenses and that are required to 23360
restore sanitary or drainage facilities or prevention or 23361

replacement facilities to, or to continue sanitary or drainage 23362
facilities or prevention or replacement facilities in, good order 23363
and working condition, but does not include construction of 23364
permanent improvements. 23365

(8) "Public agency" means a state and any agency or 23366
subdivision of a state, including a county, a municipal 23367
corporation, or other subdivision. 23368

(9) "Combined sewer" means a sewer system that is designed to 23369
collect and convey sewage, including domestic, commercial, and 23370
industrial wastewater, and storm water through a single-pipe 23371
system to a treatment works or combined sewer overflow outfall 23372
approved by the director of environmental protection. 23373

(10) "Prevention or replacement facilities" means vegetated 23374
swales or median strips, permeable pavement, trees and tree boxes, 23375
rain barrels and cisterns, rain gardens and filtration planters, 23376
vegetated roofs, wetlands, riparian buffers, and practices and 23377
structures that use or mimic natural processes to filter or reuse 23378
storm water. 23379

(B)(1) For the purpose of preserving and promoting the public 23380
health and welfare, a board of county commissioners may lay out, 23381
establish, consolidate, or otherwise modify the boundaries of, and 23382
maintain, one or more sewer districts within the county and 23383
outside municipal corporations and may have a registered 23384
professional engineer make the surveys necessary for the 23385
determination of the proper boundaries of each district, which 23386
shall be designated by an appropriate name or number. The board 23387
may acquire, construct, maintain, and operate within any district 23388
sanitary or drainage facilities that it determines to be necessary 23389
or appropriate for the collection of sewage and other wastes 23390
originating in or entering the district, to comply with the 23391
provisions of a contract entered into for the purposes described 23392
in sections 6117.41 to 6117.44 of the Revised Code and pursuant to 23393

those sections or other applicable provisions of law, or for the 23394
collection, control, or abatement of waters originating or 23395
accumulating in, or flowing in, into, or through, the district, 23396
and other sanitary or drainage facilities, within or outside of 23397
the district, that it determines to be necessary or appropriate to 23398
conduct the wastes and waters to a proper outlet and to provide 23399
for their proper treatment, disposal, and disposition. The board 23400
may provide for the protection of the sanitary and drainage 23401
facilities and may negotiate and enter into a contract with any 23402
public agency or person for the management, maintenance, 23403
operation, and repair of any of the facilities on behalf of the 23404
county upon the terms and conditions that may be agreed upon with 23405
the agency or person and that may be determined by the board to be 23406
in the best interests of the county. By contract with any public 23407
agency or person operating sanitary or drainage facilities within 23408
or outside of the county, the board may provide a proper outlet 23409
for any of the wastes and waters and for their proper treatment, 23410
disposal, and disposition. 23411

(2) For purposes of preventing storm water from entering a 23412
combined sewer and causing an overflow or an inflow to a sanitary 23413
sewer, the board may acquire, design, construct, operate, repair, 23414
maintain, and provide for a project or program that separates 23415
storm water from a combined sewer or for a prevention or 23416
replacement facility that prevents or minimizes storm water from 23417
entering a combined sewer or a sanitary sewer. 23418

(C) The board of county commissioners may employ a registered 23419
professional engineer to be the county sanitary engineer for the 23420
time and on the terms it considers best and may authorize the 23421
county sanitary engineer to employ necessary assistants upon the 23422
terms fixed by the board. Prior to the initial assignment of 23423
drainage facilities duties to the county sanitary engineer, if the 23424
county sanitary engineer is not the county engineer, the board 23425

first shall offer to enter into an agreement with the county 23426
engineer pursuant to section 315.14 of the Revised Code for 23427
assistance in the performance of those duties of the board 23428
pertaining to drainage facilities, and the county engineer shall 23429
accept or reject the offer within thirty days after the date the 23430
offer is made. 23431

The board may create and maintain a sanitary engineering 23432
department, which shall be under its supervision and which shall 23433
be headed by the county sanitary engineer, for the purpose of 23434
aiding it in the performance of its duties under this chapter and 23435
Chapter 6103. of the Revised Code or its other duties regarding 23436
sanitation, drainage, and water supply provided by law. The board 23437
shall provide suitable facilities for the use of the department 23438
and shall provide for and pay the compensation of the county 23439
sanitary engineer and all authorized necessary expenses of the 23440
county sanitary engineer and the sanitary engineering department. 23441
The county sanitary engineer, with the approval of the board, may 23442
appoint necessary assistants and clerks, and the compensation of 23443
those assistants and clerks shall be provided for and paid by the 23444
board. 23445

(D) The board of county commissioners may adopt, publish, 23446
administer, and enforce rules for the construction, maintenance, 23447
protection, and use of county-owned or county-operated sanitary 23448
and drainage facilities and prevention or replacement facilities 23449
outside municipal corporations, and of sanitary and drainage 23450
facilities and prevention or replacement facilities within 23451
municipal corporations that are owned or operated by the county or 23452
that discharge into sanitary or drainage facilities or prevention 23453
or replacement facilities owned or operated by the county, 23454
including, but not limited to, rules for the establishment and use 23455
of any connections, the termination in accordance with reasonable 23456
procedures of sanitary service for the nonpayment of county 23457

sanitary rates and charges and, if so determined, the concurrent 23458
termination of any county water service for the nonpayment of 23459
those rates and charges, the termination in accordance with 23460
reasonable procedures of drainage service for the nonpayment of 23461
county drainage rates and charges, and the establishment and use 23462
of security deposits to the extent considered necessary to ensure 23463
the payment of county sanitary or drainage rates and charges. The 23464
rules shall not be inconsistent with the laws of this state or any 23465
applicable rules of the director of environmental protection. 23466

23467

(E) No sanitary or drainage facilities or prevention or 23468
replacement facilities shall be constructed in any county outside 23469
municipal corporations by any person until the plans and 23470
specifications have been approved by the board of county 23471
commissioners, and any construction shall be done under the 23472
supervision of the county sanitary engineer. Not less than thirty 23473
days before the date drainage plans are submitted to the board for 23474
its approval, the plans shall be submitted to the county engineer. 23475
If the county engineer is of the opinion after review that the 23476
facilities will have a significant adverse effect on roads, 23477
culverts, bridges, or existing maintenance within the county, the 23478
county engineer may submit a written opinion to the board not 23479
later than thirty days after the date the plans are submitted to 23480
the county engineer. The board may take action relative to the 23481
drainage plans only after the earliest of receiving the written 23482
opinion of the county engineer, receiving a written waiver of 23483
submission of an opinion from the county engineer, or passage of 23484
thirty days from the date the plans are submitted to the county 23485
engineer. Any person constructing the facilities shall pay to the 23486
county all expenses incurred by the board in connection with the 23487
construction 23488

(F) The county sanitary engineer or the county sanitary 23489

engineer's authorized assistants or agents, when properly 23490
identified in writing or otherwise and after written notice is 23491
delivered to the owner at least five days in advance or is mailed 23492
at least five days in advance by first class or certified mail to 23493
the owner's tax mailing address, may enter upon any public or 23494
private property for the purpose of making, and may make, surveys 23495
or inspections necessary for the laying out of sewer districts or 23496
the design or evaluation of county sanitary or drainage facilities 23497
or prevention or replacement facilities. This entry is not a 23498
trespass and is not to be considered an entry in connection with 23499
any appropriation of property proceedings under sections 163.01 to 23500
163.22 of the Revised Code that may be pending. No person or 23501
public agency shall forbid the county sanitary engineer or the 23502
county sanitary engineer's authorized assistants or agents to 23503
enter, or interfere with their entry, upon the property for that 23504
purpose or forbid or interfere with their making of surveys or 23505
inspections. If actual damage is done to property by the making of 23506
the surveys and inspections, the board shall pay the reasonable 23507
value of the damage to the property owner, and the cost shall be 23508
included in the cost of the facilities and may be included in any 23509
special assessments to be levied and collected to pay that cost. 23510

Sec. 6117.011. A board of county commissioners in the manner 23511
provided in this section may make surveys of water supply, 23512
sanitary facilities, ~~or~~ drainage facilities, or prevention or 23513
replacement facilities for any sewer district, the acquisition or 23514
construction of which is contemplated. 23515

Any board desiring to make a survey shall adopt a resolution 23516
declaring its purpose and necessity. In making the surveys, the 23517
board may call upon engineering officers or employees regularly 23518
employed by the board or may authorize and enter into contracts 23519
for the services of registered professional engineers to make the 23520
surveys. 23521

The surveys authorized by this section may include drawings, 23522
plans, specifications, estimates of cost of labor and materials, 23523
other items of cost, assessment rolls, and other facts, material, 23524
data, reports, and information and recommendations that the board 23525
considers advisable or necessary for the purpose. 23526

Contracts entered into for the surveys shall be considered 23527
contracts for professional services and may provide for 23528
preliminary surveys or the making of detailed plans, or both, and 23529
also may provide for engineering supervision of the work. No 23530
contract shall be valid unless one or more of the services to be 23531
performed are by its terms to be commenced within one year after 23532
the contract date. 23533

The contracts shall be signed by at least two members of the 23534
board and by the engineer agreeing to perform the service, and one 23535
signed copy of the contract shall be filed with the fiscal officer 23536
of the county, whose certificate, otherwise required by section 23537
5705.41 of the Revised Code, need not be provided. Payment for the 23538
contracts may be made from the general fund or any other fund 23539
legally available for that use at the times that are agreed upon 23540
or as determined by the board. The proceeds of any public 23541
obligations issued pursuant to section 6119.36 of the Revised Code 23542
or any other public obligations issued or incurred to pay the cost 23543
of facilities to which a survey relates may be used to pay any 23544
part of the cost under the contracts or to reimburse the fund from 23545
which payment was made. 23546

Sec. 6117.012. (A) A board of county commissioners may adopt 23547
rules requiring owners of property within the district whose 23548
property is served by a connection to sewers maintained and 23549
operated by the board or to sewers that are connected to 23550
interceptor sewers maintained and operated by the board to do any 23551
of the following: 23552

(1) Disconnect ~~stormwater~~ storm water inflows to sanitary 23553
sewers maintained and operated by the board and not operated as a 23554
combined sewer, or to connections with those sewers; 23555

(2) Disconnect ~~non-stormwater~~ non-storm water inflows to 23556
~~stormwater~~ storm water sewers maintained and operated by the board 23557
and not operated as a combined sewer, or to connections with those 23558
storm water sewers; 23559

(3) Reconnect or relocate any such disconnected inflows in 23560
compliance with board rules and applicable building codes, health 23561
codes, or other relevant codes; 23562

(4) Prevent sewer back-ups into properties that have 23563
experienced one or more ~~overflows~~ back-ups of sanitary or combined 23564
sewers maintained and operated by the board; 23565

(5) Prevent storm water from entering a combined sewer and 23566
causing an overflow or an inflow to a sanitary sewer, which 23567
prevention may include projects or programs that separate the 23568
storm water from a combined sewer or that utilize a prevention or 23569
replacement facility to prevent or minimize storm water from 23570
entering a combined sewer or a sanitary sewer. 23571

(B) Any inflow required to be disconnected or any sewer 23572
back-up required to be prevented under a rule adopted pursuant to 23573
~~division~~ divisions (A)(1) to (4) of this section constitutes a 23574
nuisance subject to injunctive relief and abatement pursuant to 23575
Chapter 3767. of the Revised Code or as otherwise permitted by 23576
law. 23577

(C) A board of county commissioners may use sewer district 23578
funds; county general fund moneys; the proceeds of bonds issued 23579
under Chapter 133. or 165. of the Revised Code; and, to the extent 23580
permitted by their terms, loans, grants, or other moneys from 23581
appropriate state or federal funds, for either of the following: 23582

(1) The cost of disconnections, reconnections, relocations, 23583

combined sewer overflow prevention, or sewer back-up prevention 23584
required by rules adopted pursuant to division (A) of this 23585
section, performed by the county or under contract with the 23586
county; 23587

(2) Payments to the property owner or a contractor hired by 23588
the property owner pursuant to a competitive process established 23589
by district rules, for the cost of disconnections, reconnections, 23590
relocations, combined sewer overflow prevention, or sewer back-up 23591
prevention required by rules adopted pursuant to division (A) of 23592
this section after the board, pursuant to its rules, has approved 23593
the work to be performed and after the county has received from 23594
the property owner a statement releasing the county from all 23595
liability in connection with the disconnections, reconnections, 23596
relocations, combined sewer overflow prevention, or sewer back-up 23597
prevention. 23598

(D) Except as provided in division (E) of this section, the 23599
board of county commissioners shall require in its rules regarding 23600
disconnections, reconnections, ~~or~~ relocations of sewers, combined 23601
sewer overflow prevention, or sewer back-up prevention the 23602
reimbursement of moneys expended pursuant to division (C) of this 23603
section by either of the following methods: 23604

(1) A charge to the property owner in the amount of the 23605
payment made pursuant to division (C) of this section for 23606
immediate payment or payment in installments with interest as 23607
determined by the board not to exceed ten per cent, which payments 23608
may be billed as a separate item with the rents charged to that 23609
owner for use of the sewers. The board may approve installment 23610
payments for a period of not more than fifteen years. If charges 23611
are to be paid in installments, the board shall certify to the 23612
county auditor information sufficient to identify each subject 23613
parcel of property, the total of the charges to be paid in 23614
installments, and the total number of installments to be paid. The 23615

auditor shall record the information in the sewer improvement 23616
record until these charges are paid in full. Charges not paid when 23617
due shall be certified to the county auditor, who shall place the 23618
charges upon the real property tax list and duplicate against that 23619
property. Those charges shall be a lien on the property from the 23620
date they are placed on the tax list and duplicate and shall be 23621
collected in the same manner as other taxes. 23622

(2) A special assessment levied against the property, payable 23623
in the number of years the board determines, not to exceed fifteen 23624
years, with interest as determined by the board not to exceed ten 23625
per cent. The board shall certify the assessments to the county 23626
auditor, stating the amount and time of payment. The auditor shall 23627
record the information in the county sewer improvement record, 23628
showing separately the assessments to be collected, and shall 23629
place the assessments upon the real property tax list and 23630
duplicate for collection. The assessments shall be a lien on the 23631
property from the date they are placed on the tax list and 23632
duplicate and shall be collected in the same manner as other 23633
taxes. 23634

(E) The county may adopt a resolution specifying a maximum 23635
amount of the cost of any disconnection, reconnection, relocation, 23636
combined sewer overflow prevention, or sewer back-up prevention 23637
required pursuant to division (A) of this section that may be paid 23638
by the county for each affected parcel of property without 23639
requiring reimbursement. That amount may be allowed only if there 23640
is a building code, health code, or other relevant code, or a 23641
federally imposed or state-imposed consent decree that is filed or 23642
otherwise recorded in a court of competent jurisdiction, 23643
applicable to the affected parcel that prohibits in the future any 23644
inflows, combined sewer overflows, or sewer back-ups not allowed 23645
under rules adopted pursuant to division (A)(1) ~~or~~, (4), or (5) of 23646
this section. The board, by rule, shall establish criteria for 23647

determining how much of the maximum amount for each qualifying 23648
parcel need not be reimbursed. 23649

(F) Disconnections, reconnections, relocations, combined 23650
sewer overflow prevention, or sewer back-up prevention required 23651
under this section and performed by a contractor under contract 23652
with the property owner shall not be considered a public 23653
improvement, and those performed by the county shall be considered 23654
a public improvement as defined in section 4115.03 of the Revised 23655
Code. 23656

Disconnections, reconnections, relocations, combined sewer 23657
overflow prevention, or sewer back-up prevention required under 23658
this section performed by a contractor under contract with the 23659
property owner shall not be subject to competitive bidding or 23660
public bond laws. 23661

(G) Property owners shall be responsible for maintaining any 23662
improvements made or facilities constructed on private property to 23663
reconnect or relocate disconnected inflows, for combined sewer 23664
overflow prevention, or for sewer back-up prevention pursuant to 23665
this section unless a public easement or other agreement exists 23666
for the county to maintain that improvement or facility. 23667

(H) A board of county commissioners may provide rate 23668
reductions of and credits against charges for the use of sewers to 23669
a property owner that implements a project or program that 23670
prevents storm water from entering a combined sewer and causing an 23671
overflow. Such a project or program may include the use of a 23672
prevention or replacement facility to handle storm water that has 23673
been separated from a combined sewer. The revised rates or charges 23674
shall be collected and paid to the county treasurer in accordance 23675
with section 6117.02 of the Revised Code. 23676

Sec. 6117.04. The authority of a board of county 23677
commissioners to acquire, construct, maintain, and operate 23678

sanitary or drainage facilities or prevention or replacement 23679
facilities for a county sewer district in the territory of a 23680
municipal corporation, or a regional district established under 23681
Chapter 6119. of the Revised Code, that is in whole or in part 23682
within the county sewer district is the same as provided by law 23683
with respect to territory within a county sewer district that is 23684
wholly outside a municipal corporation or a regional district, 23685
subject to the following in the case of facilities within a 23686
municipal corporation: 23687

(A) The acquisition, construction, maintenance, and operation 23688
of the facilities shall first be authorized by an ordinance or 23689
resolution of the legislative authority of the municipal 23690
corporation. 23691

(B) All road surfaces, curbs, sidewalks, sewers, water supply 23692
facilities, or other public improvements or property that may be 23693
disturbed or damaged by the construction of the facilities shall 23694
be replaced or restored within a reasonable time by the county, 23695
and the cost shall be treated as a part of the cost of the 23696
facilities. 23697

(C) The municipal corporation, with the prior approval of or 23698
by agreement with the board, may make use of the facilities in 23699
accordance with rules established by the board and subject to any 23700
applicable requirements of the director of environmental 23701
protection. 23702

Sec. 6117.05. (A) Whenever any portion of a sewer district is 23703
incorporated as, or annexed to, a municipal corporation, the area 23704
so incorporated or annexed shall remain under the jurisdiction of 23705
the board of county commissioners for purposes of the acquisition 23706
and construction of sanitary and drainage facility and prevention 23707
or replacement facility improvements until all of those 23708
improvements for the area for which a resolution described in 23709

division (A) or (E) of section 6117.06 of the Revised Code has 23710
been adopted by the board have been acquired or completed or until 23711
the board has abandoned the improvements. The board, unless and 23712
until a conveyance is made to a municipal corporation in 23713
accordance with division (B) of this section, shall continue to 23714
have jurisdiction in the area so incorporated or annexed with 23715
respect to the management, maintenance, and operation of all 23716
sanitary and drainage facilities and prevention or replacement 23717
facilities so acquired or completed, or previously acquired or 23718
completed, including the right to establish rules and rates and 23719
charges for the use of, and connections to, the facilities. The 23720
incorporation or annexation of any part of a district shall not 23721
affect the legality or enforceability of any public obligations 23722
issued or incurred by the county for purposes of this chapter to 23723
provide for the payment of the cost of acquisition, construction, 23724
maintenance, or operation of any sanitary or drainage facilities 23725
or prevention or replacement facilities within the area, or the 23726
validity of any assessments levied or to be levied upon properties 23727
within the area to provide for the payment of the cost of 23728
acquisition, construction, maintenance, or operation of the 23729
facilities. 23730

(B) Any completed sanitary or drainage facilities or 23731
prevention or replacement facilities acquired or constructed by a 23732
county under this chapter for the use of any county sewer 23733
district, or any part of those facilities, that are located within 23734
a municipal corporation or within any area that is incorporated 23735
as, or annexed to, a municipal corporation, or any part of the 23736
facilities that serve a municipal corporation or such an area, may 23737
be conveyed, by mutual agreement between the board and the 23738
municipal corporation, to the municipal corporation on terms and 23739
for consideration as may be negotiated. Upon and after the 23740
conveyance, the municipal corporation shall manage, maintain, and 23741
operate the facilities in accordance with the agreement. The board 23742

may retain the right to joint use of all or part of any facilities 23743
so conveyed for the benefit of the district. Neither the validity 23744
of any assessment levied or to be levied, nor the legality or 23745
enforceability of any public obligations issued or incurred, to 23746
provide for the payment of the cost of the acquisition, 23747
construction, maintenance, or operation of the facilities or any 23748
part of them, shall be affected by the conveyance. 23749

Sec. 6117.06. (A) After the establishment of any sewer 23750
district, the board of county commissioners, if a sanitary or 23751
drainage facility or prevention or replacement facility 23752
improvement is to be undertaken, may have the county sanitary 23753
engineer prepare, or otherwise cause to be prepared, for the 23754
district, or revise as needed, a general plan of sewerage or 23755
drainage that is as complete in each case as can be developed at 23756
the time and that is devised with regard to any existing sanitary 23757
or drainage facilities or prevention or replacement facilities in 23758
the district and present as well as prospective needs for 23759
additional sanitary or drainage facilities or prevention or 23760
replacement facilities in the district. After the general plan, in 23761
original or revised form, has been approved by the board, it may 23762
adopt a resolution generally describing the improvement that is 23763
necessary to be acquired or constructed in accordance with the 23764
particular plan, declaring that the improvement is necessary for 23765
the preservation and promotion of the public health and welfare, 23766
and determining whether or not special assessments are to be 23767
levied and collected to pay any part of the cost of the 23768
improvement. 23769

(B) If special assessments are not to be levied and collected 23770
to pay any part of the cost of the improvement, the board, in the 23771
resolution provided for in division (A) of this section or in a 23772
subsequent resolution, including a resolution authorizing the 23773
issuance or incurrence of public obligations for the improvement, 23774

may authorize the improvement and the expenditure of the funds 23775
required for its acquisition or construction and may proceed with 23776
the improvement without regard to the procedures otherwise 23777
required by divisions (C), (D), and (E) of this section and by 23778
sections 6117.07 to 6117.24 of the Revised Code. Those procedures 23779
are required only for improvements for which special assessments 23780
are to be levied and collected. 23781

(C) If special assessments are to be levied and collected 23782
pursuant to a determination made in the resolution provided for in 23783
division (A) of this section or in a subsequent resolution, the 23784
procedures referred to in division (B) of this section as being 23785
required for that purpose shall apply, and the board may have the 23786
county sanitary engineer prepare, or otherwise cause to be 23787
prepared, detailed plans, specifications, and an estimate of cost 23788
for the improvement, together with a tentative assessment of the 23789
cost based on the estimate. The tentative assessment shall be for 23790
the information of property owners and shall not be levied or 23791
certified to the county auditor for collection. The detailed 23792
plans, specifications, estimate of cost, and tentative assessment, 23793
if approved by the board, shall be carefully preserved in the 23794
office of the board or the county sanitary engineer and shall be 23795
open to the inspection of all persons interested in the 23796
improvement. 23797

(D) After the board's approval of the detailed plans, 23798
specifications, estimate of cost, and tentative assessment, and at 23799
least twenty-four days before adopting a resolution pursuant to 23800
division (E) of this section, the board, except to the extent that 23801
appropriate waivers of notice are obtained from affected owners, 23802
shall cause to be sent a notice of its intent to adopt the 23803
resolution to each owner of property proposed to be assessed that 23804
is listed on the records of the county auditor for current 23805
agricultural use value taxation pursuant to section 5713.31 of the 23806

Revised Code and that is not located in an agricultural district 23807
established under section 929.02 of the Revised Code. The notice 23808
shall satisfy all of the following: 23809

(1) Be sent by first class or certified mail; 23810

(2) Specify the proposed date of the adoption of the 23811
resolution; 23812

(3) Contain a statement that the improvement will be financed 23813
in whole or in part by special assessments and that all properties 23814
not located in an agricultural district established pursuant to 23815
section 929.02 of the Revised Code may be subject to a special 23816
assessment; 23817

(4) Contain a statement that an agricultural district may be 23818
established by filing an application with the county auditor. 23819

If it appears, by the return of the mailed notices or by 23820
other means, that one or more of the affected owners cannot be 23821
found or are not served by the mailed notice, the board shall 23822
cause the notice to be published once in a newspaper of general 23823
circulation in the county not later than ten days before the 23824
adoption of the resolution. 23825

(E) After complying with divisions (A), (C), and (D) of this 23826
section, the board may adopt a resolution declaring that the 23827
improvement, which shall be described as to its nature and its 23828
location, route, and termini, is necessary for the preservation 23829
and promotion of the public health and welfare, referring to the 23830
plans, specifications, estimate of cost, and tentative assessment, 23831
stating the place where they are on file and may be examined, and 23832
providing that the entire cost or a lesser designated part of the 23833
cost will be specially assessed against the benefited properties 23834
within the district and that any balance will be paid by the 23835
county at large from other available funds. The resolution also 23836
shall contain a description of the boundaries of that part of the 23837

district to be assessed and shall designate a time and place for 23838
objections to the improvement, to the tentative assessment, or to 23839
the boundaries of the assessment district to be heard by the 23840
board. The date of that hearing shall be not less than twenty-four 23841
days after the date of the first publication of the notice of the 23842
hearing required by this division. 23843

The board shall cause a notice of the hearing to be published 23844
once a week for two consecutive weeks in a newspaper of general 23845
circulation in the county, and on or before the date of the second 23846
publication, it shall cause to be sent by first class or certified 23847
mail a copy of the notice to every owner of property to be 23848
assessed for the improvement whose address is known. 23849

The notice shall set forth the time and place of the hearing, 23850
a summary description of the proposed improvement, including its 23851
general route and termini, a summary description of the area 23852
constituting the assessment district, and the place where the 23853
plans, specifications, estimate of cost, and tentative assessment 23854
are on file and may be examined. Each mailed notice also shall 23855
include a statement that the property of the addressee will be 23856
assessed for the improvement. The notice also shall be sent by 23857
first class or certified mail, on or before the date of the second 23858
publication, to the clerk, or to the official discharging the 23859
duties of a clerk, of any municipal corporation any part of which 23860
lies within the assessment district and shall state whether or not 23861
any property belonging to the municipal corporation is to be 23862
assessed and, if so, shall identify that property. 23863

At the hearing, or at any adjournment of the hearing, of 23864
which no further published or mailed notice need be given, the 23865
board shall hear all parties whose properties are proposed to be 23866
assessed. Written objections to or endorsements of the proposed 23867
improvement, its character and termini, the boundaries of the 23868
assessment district, or the tentative assessment shall be received 23869

by the board for a period of five days after the completion of the 23870
hearing, and no action shall be taken by the board in the matter 23871
until after that period has elapsed. The minutes of the hearing 23872
shall be entered on the journal of the board, showing the persons 23873
who appear in person or by attorney, and all written objections 23874
shall be preserved and filed in the office of the board. 23875

Sec. 6117.25. (A) The board of county commissioners may pay 23876
the whole or any part of the cost of constructing, maintaining, 23877
repairing, or operating any improvement provided for in this 23878
chapter, including the payment of a county sanitary engineer and 23879
~~his~~ the sanitary engineer's assistants and other necessary 23880
expenses. Insofar as such expenses relate to the construction of a 23881
permanent improvement, they may be considered as part of the cost 23882
of such improvement and bonds may be issued therefor. ~~Bonds~~ 23883

(B) Bonds and notes in anticipation thereof, including bonds 23884
issued in anticipation of the collection of assessments deferred 23885
pursuant to sections 6117.061 and 6117.33 of the Revised Code, may 23886
be issued by the board pursuant to Chapter 133. of the Revised 23887
Code, to finance any such improvement⁺, provided that where a 23888
separate issue of bonds is issued in anticipation of the 23889
collection of deferred assessments, the first principal maturity 23890
of such bonds may be not later than five years from the date of 23891
such bonds. Bonds issued in anticipation of the collection of 23892
assessments deferred pursuant to sections 6117.061 and 6117.33 of 23893
the Revised Code and notes issued in anticipation of such bonds 23894
shall be considered for all purposes under this chapter and 23895
Chapter 133. of the Revised Code as being bonds or notes issued in 23896
anticipation of the levy or collection of special assessments. 23897

(C) Bonds may be issued by the board under Chapter 165. of 23898
the Revised Code to finance such improvements payable solely from 23899
revenues generated by the improvements. 23900

Sec. 6117.251. (A) After the establishment of any county sewer district, the board of county commissioners may determine by resolution that it is necessary to provide sanitary or drainage facility improvements or prevention or replacement facility improvements and to maintain and operate the improvements within the district or a designated portion of the district, that the improvements, which shall be generally described in the resolution, shall be constructed, that funds are required to pay the preliminary costs of the improvements to be incurred prior to the commencement of the proceedings for their construction, and that those funds shall be provided in accordance with this section.

(B) Prior to the adoption of the resolution, the board shall give notice of its pendency and of the proposed determination of the necessity of the improvements generally described in the resolution. The notice shall set forth a description of the properties to be benefited by the improvements and the time and place of a hearing of objections to and endorsements of the improvements. The notice shall be given either by publication in a newspaper of general circulation in the county once a week for two consecutive weeks, or by mailing a copy of the notice by first class or certified mail to the owners of the properties proposed to be assessed at their respective tax mailing addresses, or by both manners, the first publication to be made or the mailing to occur at least two weeks prior to the date set for the hearing. At the hearing, or at any adjournment of the hearing, of which no further published or mailed notice need be given, the board shall hear all persons whose properties are proposed to be assessed and the evidence it considers to be necessary. The board then shall determine the necessity of the proposed improvements and whether the improvements shall be made by the board and, if they are to be made, shall direct the preparation of tentative assessments upon

the benefited properties and by whom they shall be prepared. 23933

(C) In order to obtain funds for the preparation of a general 23934
or revised general plan of sewerage or drainage for the district 23935
or part of the district, for the preparation of the detailed 23936
plans, specifications, estimate of cost, and tentative assessment 23937
for the proposed improvements, and for the cost of financing and 23938
legal services incident to the preparation of all of those plans 23939
and a plan of financing the proposed improvements, the board may 23940
levy upon the properties to be benefited in the district a 23941
preliminary assessment apportioned according to benefits or to tax 23942
valuation or partly by one method and partly by the other method 23943
as the board may determine. The assessments shall be in the amount 23944
determined to be necessary to obtain funds for the general and 23945
detailed plans and the cost of financing and legal services and 23946
shall be payable in the number of years that the board shall 23947
determine, not to exceed twenty years, together with interest on 23948
any public obligations that may be issued or incurred in 23949
anticipation of the collection of the assessments. 23950

(D) The board shall have power at any time to levy additional 23951
assessments according to benefits or to tax valuation or partly by 23952
one method and partly by the other method as the board may 23953
determine for the purposes described in division (C) of this 23954
section upon the benefited properties to complete the payment of 23955
the costs described in division (C) of this section or to pay the 23956
cost of any additional plans, specifications, estimate of cost, or 23957
tentative assessment and the cost of financing and legal services 23958
incident to the preparation of those plans and the plan of 23959
financing, which additional assessments shall be payable in the 23960
number of years that the board shall determine, not to exceed 23961
twenty years, together with interest on any public obligations 23962
that may be issued or incurred in anticipation of the collection 23963
of the additional assessments. 23964

(E) Prior to the adoption of a resolution levying assessments 23965
under this section, the board shall give notice either by one 23966
publication in a newspaper of general circulation in the county, 23967
or by mailing a copy of the notice by first class or certified 23968
mail to the owners of the properties proposed to be assessed at 23969
their respective tax mailing addresses, or by both manners, the 23970
publication to be made or the mailing to occur at least ten days 23971
prior to the date of the meeting at which the resolution shall be 23972
taken up for consideration; that notice shall state the time and 23973
place of the meeting at which the resolution is to be considered. 23974
At the time and place of the meeting, or at any adjournment of the 23975
meeting, of which no further published or mailed notice need be 23976
given, the board shall hear all persons whose properties are 23977
proposed to be assessed, shall correct any errors and make any 23978
revisions that appear to be necessary or just, and then may adopt 23979
a resolution levying upon the properties determined to be 23980
benefited the assessments as so corrected and revised. 23981

The assessments levied by the resolution shall be certified 23982
to the county auditor for collection in the same manner as taxes 23983
in the year or years in which they are payable. 23984

(F) Upon the adoption of the resolution described in division 23985
(E) of this section, no further action shall be taken or work done 23986
until ten days have elapsed. If, at the expiration of that period, 23987
no appeal has been effected by any property owner as provided in 23988
this division, the action of the board shall be final. If, at the 23989
end of that ten days, any owner of property to be assessed for the 23990
improvements has effected an appeal, no further action shall be 23991
taken and no work done in connection with the improvements under 23992
the resolution until the matters appealed from have been disposed 23993
of in court. 23994

Any owner of property to be assessed may appeal as provided 23995
and upon the grounds stated in sections 6117.09 to 6117.24 of the 23996

Revised Code. 23997

If no appeal has been perfected or if on appeal the 23998
resolution of the board is sustained, the board may authorize and 23999
enter into contracts to carry out the purposes for which the 24000
assessments have been levied without the prior issuance of notes, 24001
provided that the payments under those contracts do not fall due 24002
prior to the time by which the assessments are to be collected. 24003
The board may issue and sell bonds with a maximum maturity of 24004
twenty years in anticipation of the collection of the assessments 24005
and may issue notes in anticipation of the issuance of the bonds, 24006
which notes and bonds, as public obligations, shall be issued and 24007
sold as provided in Chapter 133. of the Revised Code. 24008

Sec. 6117.28. Whenever the owners of all the lots and lands 24009
to be assessed for any sanitary or drainage facility improvement 24010
or any prevention or replacement facility improvement provided for 24011
in this chapter, by petition in writing, request the board of 24012
county commissioners to provide for the acquisition or 24013
construction, maintenance, and operation of the improvement, 24014
describing the improvement and the lots and lands owned by them 24015
respectively to be assessed to pay the cost of acquisition or 24016
construction, maintenance, and operation of the improvement and 24017
consenting that their lots and lands may be assessed to pay the 24018
cost of the acquisition or construction of the improvement and of 24019
its maintenance and operation as provided in this chapter, and 24020
waive all legal notices otherwise required, the board may have the 24021
county sanitary engineer prepare, or otherwise cause to be 24022
prepared, the necessary plans, specifications, and estimate of 24023
cost of the acquisition or construction, maintenance, and 24024
operation of the improvement and a tentative assessment. When the 24025
owners state, in writing, that they have examined the estimate of 24026
cost and tentative assessment, that they have no objections to 24027
them, and that, in case bonds are proposed to be issued prior to 24028

the acquisition or construction of the improvement, they waive 24029
their right or option to pay the assessments in cash, the board 24030
may proceed as provided in this chapter to cause the improvement 24031
to be acquired or constructed and to cause provision to be made 24032
for the payment of the cost of its acquisition or construction, 24033
maintenance, and operation, except that none of the notices 24034
otherwise required by law need be given and no opportunity need be 24035
provided for the filing of objections to the improvement, its 24036
character and termini, the boundaries of the assessment district, 24037
or the tentative assessment or, if bonds are issued prior to the 24038
acquisition or construction of the improvement, for paying the 24039
assessments in cash. The board may proceed to issue or incur 24040
public obligations in the required amount, complete the 24041
acquisition or construction of the improvement, and levy and 24042
collect the assessments authorized by this chapter. No person or 24043
public agency shall have the right to appeal from any decision or 24044
action of the board in the matter except refusal by the board to 24045
proceed with the improvement. 24046

The tentative assessment provided for in this section shall 24047
be for the information of property owners and shall not be levied 24048
or certified to the county auditor for collection. On completion 24049
of the improvement, its cost shall be determined, and the county 24050
sanitary engineer shall prepare, or otherwise cause to be 24051
prepared, a revised assessment based on the actual cost and in 24052
substantially the same proportion as the tentative assessment. The 24053
board shall confirm and levy the revised assessment and certify it 24054
to the county auditor for collection. 24055

Sec. 6117.30. The cost of the acquisition or construction of 24056
sanitary or drainage facilities or prevention or replacement 24057
facilities to be paid by assessments shall be assessed, as an 24058
assessment district assessment, upon all the property within the 24059
county sewer district found to be benefited in accordance with the 24060

special benefits conferred, less any part of the cost that is paid 24061
by the county at large from other available funds. State land so 24062
benefited shall bear its portion of the assessed cost. 24063

Sec. 6117.34. Whenever the legislative authority or board of 24064
health, or the officers performing the duties of the legislative 24065
authority or board of health, of a municipal corporation, the 24066
board of health of a general health district, or a board of 24067
township trustees makes complaint, in writing, to the 24068
environmental protection agency that unsanitary conditions exist 24069
in any county, the agency's director forthwith shall inquire into 24070
and investigate the conditions complained of. If, upon 24071
investigation of the complaint, the director finds that it is 24072
necessary for the public health and welfare that sanitary or 24073
drainage facilities or prevention or replacement facilities be 24074
acquired or constructed, maintained, and operated to serve any 24075
territory outside municipal corporations in any county, the 24076
director shall notify the board of county commissioners of the 24077
county of that finding and order that corrective action be taken. 24078
The board shall obey the order and proceed as provided in this 24079
chapter to establish a county sewer district, if required, to 24080
provide the necessary funds, to acquire or construct the 24081
facilities, and to maintain and operate the facilities, as 24082
required by the order and in a manner that is satisfactory to the 24083
director. Any part or all of the cost of the facilities or of the 24084
maintenance and operation of the facilities may be assessed upon 24085
the benefited properties as provided in this chapter. 24086

Sec. 6117.38. (A) At any time after the formation of any 24087
county sewer district, the board of county commissioners, when it 24088
considers it appropriate, on application by a person or public 24089
agency for the provision of sewerage or drainage to properties of 24090
the person or public agency located outside of the district, may 24091

contract with the person or public agency for depositing sewage or 24092
drainage from those properties in facilities acquired or 24093
constructed or to be acquired or constructed by the county to 24094
serve the district and for the treatment, disposal, and 24095
disposition of the sewage or drainage, on terms that the board 24096
considers equitable. The amount to be paid by the person or public 24097
agency to reimburse the county for costs of acquiring or 24098
constructing those facilities shall not be less than the original 24099
or comparable assessment for similar property within the district 24100
or, in the absence of an original or comparable assessment, an 24101
amount that is found by the board to be reasonable and fairly 24102
reflective of that portion of the cost of those facilities 24103
attributable to the properties to be served. The board shall 24104
appropriate any moneys received for that service to and for the 24105
use and benefit of the district. The board may collect the amount 24106
to be paid by the person or public agency in full, in cash or in 24107
installments as a part of a connection charge to be collected in 24108
accordance with division (B) or (D) of section 6117.02 of the 24109
Revised Code, or if the properties to be served are located within 24110
the county, the same amount may be assessed against those 24111
properties, and, in that event, the manner of making the 24112
assessment, together with the notice of it, shall be as provided 24113
in this chapter. 24114

(B) Whenever sanitary or drainage facilities or prevention or 24115
replacement facilities have been acquired or constructed by, and 24116
at the expense of, a person or public agency and the board 24117
considers it appropriate to acquire the facilities or any part of 24118
them for the purpose of providing sewerage or drainage service to 24119
territory within a sewer district, the county sanitary engineer, 24120
at the direction of the board, shall examine the facilities. If 24121
the county sanitary engineer finds the facilities properly 24122
designed and constructed, the county sanitary engineer shall 24123
certify that fact to the board. The board may determine to 24124

purchase the facilities or any part of them at a cost that, after 24125
consultation with the county sanitary engineer, it finds to be 24126
reasonable. 24127

Subject to and in accordance with this division and division 24128
(B) or divisions (C), (D), and (E) of section 6117.06 of the 24129
Revised Code, the board may purchase the facilities or any part of 24130
them by negotiation. For the purpose of paying the cost of their 24131
acquisition, the board may issue or incur public obligations and 24132
assess the entire cost, or a lesser designated part of the cost, 24133
of their acquisition against the benefited properties in the 24134
manner provided in this chapter for the construction of original 24135
or comparable facilities. 24136

Sec. 6117.41. At any time after the formation of any county 24137
sewer district, the board of county commissioners may enter into a 24138
contract, upon the terms and for the period of time that are 24139
mutually agreed upon, with any other public agency to prepare all 24140
necessary plans and estimates of cost and to acquire or construct 24141
any sanitary or drainage facilities or any prevention or 24142
replacement facilities that are to be used jointly by the 24143
contracting parties, and to provide for the maintenance, 24144
operation, and joint use by the contracting parties of those 24145
facilities or the maintenance, operation, and joint use of any 24146
suitable existing sanitary or drainage facilities or prevention or 24147
replacement facilities belonging to either of the contracting 24148
parties. 24149

Sec. 6117.42. All contracts under section 6117.41 of the 24150
Revised Code shall provide for the payment of compensation to the 24151
county or other public agency owning, acquiring, or constructing, 24152
or agreeing to acquire or construct, the sanitary or drainage 24153
facilities or prevention or replacement facilities to be jointly 24154
used in an amount agreed upon as the other party's share of the 24155

cost of acquiring or constructing the facilities. The contract 24156
also shall provide for payment of compensation to the county or 24157
other public agency owning, acquiring, or constructing the 24158
facilities and operating and maintaining them in an amount agreed 24159
upon as the other party's share of the cost of operating and 24160
maintaining them or, in lieu of all other or differing payments, 24161
and agreed price per unit of flow. A county or other public agency 24162
owning, acquiring, or constructing, or agreeing to acquire or 24163
construct, any of the facilities and agreeing to their use by 24164
another public agency shall retain full control and management of 24165
the acquisition, construction, maintenance, and operation of the 24166
facilities, unless otherwise provided in the contract and except, 24167
in the case of a county, when conveyed to a municipal corporation 24168
as provided in division (B) of section 6117.05 of the Revised 24169
Code. 24170

Sec. 6117.43. A county or other public agency contracting as 24171
provided in sections 6117.41 and 6117.42 of the Revised Code for 24172
the joint use of any sanitary or drainage facilities or any 24173
prevention or replacement facilities acquired or constructed, or 24174
to be acquired or constructed, by another public agency may 24175
provide for payment of the agreed compensation by the levy of 24176
taxes or special assessments or from sanitary sewer or drainage 24177
rates and charges, if and to the extent that the public agency is 24178
authorized by the laws governing it in the acquisition, 24179
construction, maintenance, or operation of the facilities to 24180
provide for payment of the costs in respect of which the 24181
compensation is due from those sources, and may issue or incur 24182
public obligations as provided by those laws and pay the debt 24183
charges on those obligations from those sources if and to the 24184
extent so authorized. 24185

Sec. 6117.44. A county or other public agency receiving the 24186

compensation provided for in section 6117.42 of the Revised Code 24187
shall credit the amount so received to the proper fund to be used 24188
for the acquisition, construction, or operation and maintenance, 24189
as the case may be, of the sanitary or drainage facilities or the 24190
prevention or replacement facilities or for other authorized 24191
purposes. 24192

Sec. 6117.45. No person or public agency shall tamper with or 24193
damage any sanitary or drainage facility or any prevention or 24194
replacement facility acquired or constructed by a county under 24195
this chapter or any apparatus or accessory connected with it or 24196
pertaining to it, or make any connection into or with the 24197
facility, without the permission of the board of county 24198
commissioners or in a manner or for a use other than as prescribed 24199
by the board. No person or public agency shall refuse to permit 24200
the inspection by the county sanitary engineer of any such 24201
connection. No person or public agency shall violate any other 24202
provision of this chapter. 24203

All fines collected under section 6117.99 of the Revised Code 24204
shall be paid to the county treasurer and credited to the fund 24205
that the board determines to be most appropriate after 24206
consideration of the nature and extent of the particular 24207
violations. 24208

Sec. 6117.49. (A) If the board of county commissioners 24209
determines by resolution that the best interests of the county and 24210
those served by the sanitary or drainage facilities or the 24211
prevention or replacement facilities of a county sewer district so 24212
require, the board may sell or otherwise dispose of the facilities 24213
to another public agency or a person. The resolution declaring the 24214
necessity of that disposition shall recite the reasons for the 24215
sale or other disposition and shall establish any conditions or 24216
terms that the board may impose, including, but not limited to, a 24217

minimum sales price if a sale is proposed, a requirement for the 24218
submission by bidders of the schedule of rates and charges 24219
initially proposed to be paid for the services of the facilities, 24220
and other pertinent conditions or terms relating to the sale or 24221
other disposition. The resolution also shall designate a time and 24222
place for the hearing of objections to the sale or other 24223
disposition by the board. Notice of the adoption of the resolution 24224
and the time and place of the hearing shall be published once a 24225
week for two consecutive weeks in a newspaper of general 24226
circulation in the sewer district and in the county. The public 24227
hearing on the sale or other disposition shall be held not less 24228
than twenty-four days following the date of first publication of 24229
the notice. A copy of the notice also shall be sent by first class 24230
or certified mail, on or before the date of the second 24231
publication, to any public agency within the area served by the 24232
facilities. At the public hearing, or at any adjournment of it, of 24233
which no further published or mailed notice need be given, the 24234
board shall hear all interested parties. A period of five days 24235
shall be given following the completion of the hearing for the 24236
filing of written objections by any interested persons or public 24237
agencies to the sale or other disposition, after which the board 24238
shall consider any objections and by resolution determine whether 24239
or not to proceed with the sale or other disposition. If the board 24240
determines to proceed with the sale or other disposition, it shall 24241
receive bids after advertising once a week for four consecutive 24242
weeks in a newspaper of general circulation in the county and, 24243
subject to the right of the board to reject any or all bids, may 24244
make an award to a responsible bidder whose proposal is determined 24245
by the board to be in the best interests of the county and those 24246
served by the facilities. 24247

(B) A conveyance of sanitary or drainage facilities or of 24248
prevention or replacement facilities by a county to a municipal 24249
corporation in accordance with division (B) of section 6117.05 of 24250

the Revised Code may be made without regard to division (A) of 24251
this section. 24252

Sec. 6121.045. With respect to a loan made under this 24253
chapter, the Ohio water development authority shall not charge any 24254
fees or fines in excess of the principal amount of the loan. 24255

Sec. 6123.042. With respect to a loan made under this 24256
chapter, the Ohio water development authority shall not charge any 24257
fees or fines in excess of the principal amount of the loan. 24258

Section 101.02. That existing sections 9.835, 105.41, 109.71, 24259
113.061, 113.40, 117.13, 117.38, 120.08, 122.171, 124.152, 24260
125.021, 125.04, 125.09, 125.18, 125.25, 133.08, 135.61, 135.63, 24261
135.65, 135.66, 145.47, 149.30, 156.02, 165.01, 165.03, 303.12, 24262
303.211, 307.697, 319.301, 321.261, 340.02, 340.021, 351.26, 24263
519.12, 519.211, 715.73, 715.74, 901.42, 1332.04, 1346.03, 24264
1561.011, 1561.16, 1561.17, 1561.23, 1561.25, 1561.26, 1565.15, 24265
2743.49, 2921.13, 2935.01, 2935.03, 2949.092, 3119.023, 3301.0714, 24266
3311.21, 3311.24, 3313.842, 3313.978, 3314.016, 3314.02, 3314.03, 24267
3314.05, 3316.03, 3316.041, 3316.06, 3316.08, 3317.023, 3317.11, 24268
3317.20, 3318.01, 3318.03, 3318.032, 3318.04, 3323.30, 3323.31, 24269
3323.32, 3323.33, 3333.04, 3333.044, 3333.122, 3335.05, 3341.03, 24270
3343.08, 3344.02, 3352.02, 3353.02, 3353.20, 3353.21, 3353.22, 24271
3353.26, 3353.27, 3353.28, 3353.29, 3354.16, 3355.12, 3356.02, 24272
3357.16, 3359.02, 3361.02, 3364.02, 3702.71, 3702.72, 3702.73, 24273
3702.74, 3702.75, 3702.78, 3702.79, 3702.81, 3702.85, 3702.86, 24274
3702.91, 3702.93, 3702.95, 3703.01, 3734.821, 3735.67, 3905.40, 24275
3961.04, 4117.01, 4117.09, 4117.14, 4117.15, 4123.26, 4123.32, 24276
4123.37, 4123.54, 4131.03, 4301.355, 4301.421, 4301.424, 4301.432, 24277
4301.47, 4301.62, 4303.03, 4303.071, 4303.181, 4303.182, 4303.232, 24278
4303.233, 4303.30, 4303.33, 4303.333, 4399.12, 4510.10, 4511.01, 24279
4511.181, 4511.191, 4735.01, 4735.02, 4735.10, 4735.13, 4735.14, 24280

4735.141, 4752.04, 4752.05, 4752.06, 4752.07, 4752.11, 4752.12, 24281
4752.13, 4928.142, 5101.5211, 5101.5212, 5101.5213, 5101.5214, 24282
5101.5215, 5101.572, 5101.80, 5111.032, 5111.091, 5111.31, 24283
5111.941, 5112.31, 5112.37, 5123.0412, 5123.196, 5123.36, 5525.01, 24284
5703.19, 5703.21, 5703.57, 5705.194, 5705.214, 5705.29, 5709.121, 24285
5721.30, 5721.31, 5721.32, 5721.33, 5721.34, 5721.35, 5721.36, 24286
5721.37, 5721.38, 5721.39, 5721.40, 5721.41, 5721.42, 5721.43, 24287
5727.85, 5739.01, 5739.02, 5739.029, 5739.12, 5739.122, 5739.124, 24288
5739.21, 5741.04, 5741.12, 5741.121, 5741.122, 5743.021, 5743.024, 24289
5743.321, 5743.323, 5745.05, 5747.01, 5747.02, 5748.022, 5751.20, 24290
5751.21, 6117.01, 6117.011, 6117.012, 6117.04, 6117.05, 6117.06, 24291
6117.25, 6117.251, 6117.28, 6117.30, 6117.34, 6117.38, 6117.41, 24292
6117.42, 6117.43, 6117.44, 6117.45, and 6117.49 of the Revised 24293
Code are hereby repealed. 24294
24295

Section 105.01. That sections 124.821, 3314.086, 3317.161, 24296
3353.23, 3353.24, 3353.25, 3353.30, 5111.88, 5111.881, 5111.882, 24297
5111.883, 5111.884, 5111.885, 5111.886, 5111.887, 5111.888, 24298
5111.889, 5111.8810, 5111.8811, 5111.8812, 5111.8813, 5111.8814, 24299
5111.8815, 5111.8816, 5111.8817, 5112.311, and 5739.213 of the 24300
Revised Code are hereby repealed. 24301

Section 201.10. The items set forth in this section are 24302
hereby appropriated out of any moneys in the state treasury to the 24303
credit of the Nursing Home - Federal Fund (Fund 3190) that are not 24304
otherwise appropriated. 24305

			Appropriations	
OVH OHIO VETERANS' HOME AGENCY				24306
C43019	G-Life Safety & Security	\$	310,700	24307
C43020	G-Critical Power & Grounds	\$	510,250	24308
C43021	S-S/G Tub Room & Nurse Call	\$	1,856,712	24309

C43022	S-G Renovate Giffin First Floor	\$	418,015	24310
C43023	S-S/G Floor Replacement	\$	579,270	24311
C43024	S-S. VH HVAC Upgrade	\$	1,362,936	24312
C43025	S-Network Infrastructure	\$	488,807	24313
C43026	G-HVAC Controls Upgrade	\$	357,500	24314
	Total Ohio Veterans' Home Agency	\$	5,884,190	24315
	TOTAL Nursing Home - Federal Fund	\$	5,884,190	24316

Section 203.10. The items set forth in this section are 24318
hereby appropriated out of any moneys in the state treasury to the 24319
credit of the Army National Guard Service Contract Fund (Fund 24320
3420) that are not otherwise appropriated. 24321

Appropriations

	ADJ ADJUTANT GENERAL			24322
C74519	Energy Conservation - Federal Share	\$	107,792	24323
	Total Adjutant General	\$	107,792	24324
	TOTAL Army National Guard Service Contract Fund	\$	107,792	24325

Section 205.10. The items set forth in this section are 24327
hereby appropriated out of any moneys in the state treasury to the 24328
credit of the Special Administrative Fund (Fund 4A90) that are not 24329
otherwise appropriated. 24330

Appropriations

	JFS DEPARTMENT OF JOB AND FAMILY SERVICES			24331
C60000	Various Renovations - Local Offices	\$	537,869	24332
C60001	145 South Front Renovation	\$	6,500,000	24333
	Total Department of Job and Family Services	\$	7,037,869	24334
	TOTAL Special Administrative Fund	\$	7,037,869	24335

Section 207.10. The items set forth in this section are 24337
hereby appropriated out of any moneys in the state treasury to the 24338
credit of the State Fire Marshal Fund (Fund 5460) that are not 24339
otherwise appropriated. 24340

		Appropriations	
COM DEPARTMENT OF COMMERCE			24341
C80002	MARCS Radios	\$ 50,000	24342
C80010	Security Enhancements	\$ 200,000	24343
C80011	Gas Line Replacement	\$ 80,000	24344
C80012	Roof Replacement Main & Training	\$ 800,000	24345
C80013	ADAMS Data Imaging System	\$ 35,000	24346
C80014	Mobile Fire Behavior Lab	\$ 75,000	24347
C80015	Gas Chromatograph/Mass Spec	\$ 90,000	24348
C80016	Search & Rescue Training Module	\$ 70,000	24349
C80017	Fiber-optic Installation with AGR	\$ 200,000	24350
Total Department of Commerce		\$ 1,600,000	24351
TOTAL State Fire Marshal Fund		\$ 1,600,000	24352

Section 209.10. The items set forth in this section are 24354
 hereby appropriated out of any moneys in the state treasury to the 24355
 credit of the Veterans' Home Improvement Fund (Fund 6040) that are 24356
 not otherwise appropriated. 24357

		Appropriations	
OVH OHIO VETERANS' HOME AGENCY			24358
C43027	G-Life Safety & Security	\$ 167,300	24359
C43028	G-Critical Power & Grounds	\$ 274,750	24360
C43029	S-S/G Tub Room & Nurse Call	\$ 999,768	24361
C43030	S-G Renovate Giffin First Floor	\$ 225,085	24362
C43031	S-S/G Floor Replacement	\$ 311,915	24363
C43032	S-S. VH HVAC Upgrade	\$ 733,889	24364
C43033	S-Network Infrastructure	\$ 263,204	24365
C43034	G-HVAC Controls Upgrade	\$ 192,500	24366
C43035	S-Replace Wanderguard System	\$ 261,000	24367
Total Ohio Veterans' Home Agency		\$ 3,429,411	24368
TOTAL Veterans' Home Improvement Fund		\$ 3,429,411	24369

Section 211.10. The items set forth in this section are 24371

hereby appropriated out of any moneys in the state treasury to the 24372
credit of the Highway Safety Fund (Fund 7036) that are not 24373
otherwise appropriated. 24374

Appropriations

DPS DEPARTMENT OF PUBLIC SAFETY 24375
C76021 Academy Maintenance and Repair \$ 1,696,345 24376
Total Department of Public Safety \$ 1,696,345 24377
TOTAL Highway Safety Fund \$ 1,696,345 24378

Section 213.10. The items set forth in this section are 24380
hereby appropriated out of any moneys in the state treasury to the 24381
credit of the State Capital Improvements Revolving Loan Fund (Fund 24382
7040). Revenues to the State Capital Improvements Revolving Loan 24383
Fund shall consist of all repayments of loans made to local 24384
subdivisions for capital improvements, investment earnings on 24385
moneys in the fund, and moneys obtained from federal or private 24386
grants or from other sources for the purpose of making loans for 24387
the purpose of financing or assisting in the financing of the cost 24388
of capital improvement projects of local subdivisions. 24389

Appropriations

PWC PUBLIC WORKS COMMISSION 24390
C15030 Revolving Loan \$ 39,500,000 24391
Total Public Works Commission \$ 39,500,000 24392
TOTAL State Capital Improvements Revolving Loan \$ 39,500,000 24393
Fund

The foregoing appropriation item C15030, Revolving Loan, 24394
shall be used in accordance with sections 164.01 to 164.12 of the 24395
Revised Code. 24396

If the Public Works Commission receives refunds due to 24397
project overpayments that are discovered during a post-project 24398
audit, the Director of the Public Works Commission may certify to 24399
the Director of Budget and Management that refunds have been 24400

received. In certifying the refunds, the Director of the Public 24401
 Works Commission shall provide the Director of Budget and 24402
 Management information on the project refunds. The certification 24403
 shall detail by project the source and amount of project 24404
 overpayments received and include any supporting documentation 24405
 required or requested by the Director of Budget and Management. 24406
 Upon receipt of the certification, the Director of Budget and 24407
 Management shall determine if the project refunds are necessary to 24408
 support existing appropriations. If the project refunds are 24409
 available to support additional appropriations, these amounts are 24410
 hereby appropriated to appropriation item C15030, Revolving Loan. 24411

Section 215.10. The items set forth in this section are 24412
 hereby appropriated out of any moneys in the state treasury to the 24413
 credit of the Waterways Safety Fund (Fund 7086) that are not 24414
 otherwise appropriated. 24415

			Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES				24416
C725A7	Cooperative Grant Funding for Boating Facilities	\$ 9,300,000		24417
C725N9	Operations Facilities Development - Sandusky Watercraft Office Construction	\$ 2,350,000		24418
Total Department of Natural Resources			\$ 11,650,000	24419
TOTAL Waterways Safety Fund			\$ 11,650,000	24420

Section 217.10. The items set forth in this section are 24422
 hereby appropriated out of any moneys in the state treasury to the 24423
 credit of the Clean Ohio Revitalization Fund (Fund 7003) that are 24424
 not otherwise appropriated: 24425

			Appropriations	
DEV DEPARTMENT OF DEVELOPMENT				24426
C19500	Clean Ohio Revitalization	\$ 32,000,000		24427
C19501	Clean Ohio Assistance	\$ 8,000,000		24428

Total Department of Development	\$ 40,000,000	24429
TOTAL Clean Ohio Assistance Fund	\$ 40,000,000	24430

Section 217.11. CLEAN OHIO REVITALIZATION 24432

The Treasurer of State is hereby authorized to issue and 24433
sell, in accordance with Section 2o of Article VIII, Ohio 24434
Constitution, and pursuant to sections 151.01 and 151.40 of the 24435
Revised Code, original obligations in an aggregate principal 24436
amount not to exceed \$40,000,000 in addition to the original 24437
issuance of obligations heretofore authorized by prior acts of the 24438
General Assembly. These authorized obligations shall be issued and 24439
sold from time to time, subject to applicable constitutional and 24440
statutory limitations, as needed to ensure sufficient moneys to 24441
the credit of the Clean Ohio Revitalization Fund (Fund 7003) to 24442
pay costs of revitalization projects. 24443

Section 219.10. The items set forth in this section are 24444
hereby appropriated out of any moneys in the state treasury to the 24445
credit of the Job Ready Site Development Fund (Fund 7012) that are 24446
not otherwise appropriated: 24447

Appropriations

DEV DEPARTMENT OF DEVELOPMENT		24448
C19502 Job Ready Sites	\$ 30,000,000	24449
Total Department of Development	\$ 30,000,000	24450
TOTAL Job Ready Site Development Fund	\$ 30,000,000	24451

Section 219.11. JOB READY SITE DEVELOPMENT 24453

The Ohio Public Facilities Commission, upon request of the 24454
Department of Development, is hereby authorized to issue and sell, 24455
in accordance with Section 2p of Article VIII, Ohio Constitution, 24456
and pursuant to sections 151.01 and 151.11 of the Revised Code, 24457
original obligations of the State of Ohio in an aggregate amount 24458
not to exceed \$30,000,000 in addition to the original issuance of 24459

obligations heretofore authorized by prior acts of the General 24460
 Assembly. These authorized obligations shall be issued and sold 24461
 from time to time, subject to applicable constitutional and 24462
 statutory limitations, as needed to ensure sufficient moneys to 24463
 the credit of the Job Ready Site Development Fund (Fund 7012) to 24464
 pay costs of sites and facilities. 24465

Section 221.10. The items set forth in the sections of this 24466
 act prefixed with the section number "221" are hereby appropriated 24467
 out of any moneys in the state treasury to the credit of the 24468
 Administrative Building Fund (Fund 7026) that are not otherwise 24469
 appropriated. 24470

Appropriations

Section 221.10.10. ADJ ADJUTANT GENERAL			24471
C74502	Roof Replacement - Various Facilities	\$ 583,874	24472
C74503	Electrical Systems - Various Facilities	\$ 348,079	24473
C74504	Camp Perry Facility/Infrastructure	\$ 500,000	24474
	Improvements		
C74505	Replace Windows and Doors - Various	\$ 341,342	24475
	Facilities		
C74506	Plumbing Renovations - Various	\$ 523,241	24476
	Facilities		
C74507	Paving Renovations - Various Facilities	\$ 527,733	24477
C74508	HVAC Systems - Various Facilities	\$ 1,387,939	24478
C74510	Masonry Renovations - Various	\$ 180,000	24479
	Facilities		
C74526	Energy Conservation - Various Facilities	\$ 107,792	24480
C74528	Camp Perry Improvements	\$ 1,000,000	24481
C74531	Rickenbacker Radar Project	\$ 1,000,000	24482
Total Adjutant General		\$ 6,500,000	24483

Appropriations

Section 221.10.20. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES			24485
C10010	Surface Road Building Renovations	\$ 400,000	24486
C10013	Energy Conservation Projects	\$ 2,100,000	24487
C10015	SOCC Renovations	\$ 5,000,000	24488
C10020	North High Street Complex Renovations	\$ 12,500,000	24489
C10030	Broadband Ohio	\$ 5,000,000	24490
C10031	Operations Facilities Improvements	\$ 2,800,000	24491
C10032	Columbus Downtown Development - Sky Bridge Project	\$ 2,500,000	24492
Total Department of Administrative Services			\$ 30,300,000 24493

Appropriations

Section 221.10.30. AGR DEPARTMENT OF AGRICULTURE			24495
C70007	Building and Grounds Renovation	\$ 650,000	24496
C70014	Grounds Security and Emergency Power	\$ 200,000	24497
C70015	Fiber Installation for Infrastructure ODA/SFM	\$ 200,000	24498
C70016	ODA/SFM Shared Driveway/Entrance	\$ 50,000	24499
C70017	Raze Building #2	\$ 265,000	24500
Total Department of Agriculture			\$ 1,365,000 24501

Appropriations

Section 221.10.40. CSR CAPITOL SQUARE REVIEW AND ADVISORY			24503
BOARD			24504
C87406	Grounds Improvement	\$ 221,000	24505
C87407	Sound and Lighting Systems	\$ 145,000	24506
C87408	HVAC Improvement	\$ 628,381	24507
C87412	Security and Safety Upgrades	\$ 337,000	24508
C87413	Education Center	\$ 540,367	24509
C87415	Interior Repairs and Replacements	\$ 186,000	24510
Total Capitol Square Review and Advisory Board			\$ 2,057,748 24511

Appropriations

Section 221.10.50. EXP EXPOSITIONS COMMISSION			24513
C72300	Electric Upgrade	\$ 2,100,000	24514
C72303	Building Renovations and Repairs	\$ 11,900,000	24515
C72312	Emergency Renovations and Equipment Replacement	\$ 1,000,000	24516
C72315	North Parking Lot Improvements and Paving	\$ 5,000,000	24517
Total Expositions Commission			\$ 20,000,000 24518

Appropriations

Section 221.10.60. LIB STATE LIBRARY BOARD			24520
C35001	OPLIN Router Replacement Project	\$ 200,000	24521
Total State Library Board			\$ 200,000 24522

Appropriations

Section 221.10.70. DNR DEPARTMENT OF NATURAL RESOURCES			24524
C725D5	Fountain Square Building and Telephone System Improvements	\$ 1,000,000	24525
C725D7	MARCS	\$ 425,000	24526
C725E0	DNR Fairgrounds Area - General Upgrading - Fairgrounds Site Improvements	\$ 500,000	24527
C725N7	Operations Facilities Development	\$ 300,000	24528
Total Department of Natural Resources			\$ 2,225,000 24529

Appropriations

Section 221.10.80. DPS DEPARTMENT OF PUBLIC SAFETY			24531
C76017	Replacement Mission Critical Building System	\$ 725,250	24532
C76022	American Red Cross Facility - Cincinnati	\$ 1,000,000	24533
C76023	Red Cross Muskingum Lakes Chapter	\$ 500,000	24534
C76024	American Red Cross Facility - Tuscarawas	\$ 250,000	24535
C76025	Family Services of Cincinnati	\$ 50,000	24536
C76026	Tallmadge Shooting Range	\$ 500,000	24537

C76027	Southeast Ohio Emergency Responder Facility	\$	25,000	24538
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Total Department of Public Safety		\$	3,050,250	24539
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Appropriations

Section 221.10.90. OSB SCHOOL FOR THE BLIND 24541

C22618	Front Entry Renovations	\$	112,500	24542
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C22619	Public Address System Replacement	\$	77,000	24543
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C22620	School HVAC Renovation	\$	215,000	24544
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C22621	Renovations to Cottage C1	\$	125,000	24545
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C22622	Track Shelter	\$	45,000	24546
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Total School for the Blind		\$	574,500	24547
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Appropriations

Section 221.20.10. OSD SCHOOL FOR THE DEAF 24549

C22108	High School Window Replacement	\$	123,000	24550
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C22109	High School HVAC	\$	117,500	24551
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C22110	Gymnasium Floor & Lighting	\$	237,000	24552
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C22111	Staff Building Windows and Repairs	\$	97,000	24553
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C22112	Alumni Park Preservation	\$	62,500	24554
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Total School for the Deaf		\$	637,000	24555
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Appropriations

Section 221.20.20. DOT DEPARTMENT OF TRANSPORTATION 24556

C77701	Chillicothe Transit Facility - District	\$	500,000	24557
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Total Department of Transportation		\$	500,000	24558
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TOTAL Administrative Building Fund		\$	67,409,498	24559
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Section 221.20.30. The Ohio Building Authority is hereby 24561
authorized to issue and sell, in accordance with Section 2i of 24562
Article VIII, Ohio Constitution, and Chapter 152. and other 24563
applicable sections of the Revised Code, original obligations in 24564
an aggregate principal amount not to exceed \$48,000,000 in 24565

addition to the original issuance of obligations heretofore 24566
authorized by prior acts of the General Assembly. These authorized 24567
obligations shall be issued, subject to applicable constitutional 24568
and statutory limitations, to pay costs associated with previously 24569
authorized capital facilities and the capital facilities referred 24570
to in Sections 221.10.10 to 221.20.10 of this act. 24571

Section 223.10. The items set forth in this section are 24572
hereby appropriated out of any moneys in the state treasury to the 24573
credit of the Adult Correctional Building Fund (Fund 7027) that 24574
are not otherwise appropriated. 24575

Appropriations

DRC DEPARTMENT OF REHABILITATION AND CORRECTION			24576
STATEWIDE AND CENTRAL OFFICE PROJECTS			24577
C50101	Community Based Correctional Facilities	\$ 1,600,000	24578
C50103	Asbestos Abatement - SW	\$ 1,000,000	24579
C50104	Power House/Utility Improvements - SW	\$ 1,400,000	24580
C50105	Water System/Plant Improvements - SW	\$ 6,000,000	24581
C50110	Security Improvements - SW	\$ 10,434,897	24582
C50136	General Building Renovations - SW	\$ 42,665,103	24583
C50175	Mandown Alert Communication - SW	\$ 4,800,000	24584
C501B3	Electrical System Upgrade - SW	\$ 4,100,000	24585
Total Statewide and Central Office Projects		\$ 72,000,000	24586
TOTAL Department of Rehabilitation and Correction		\$ 72,000,000	24587
TOTAL Adult Correctional Building Fund		\$ 72,000,000	24588

Section 223.11. The Ohio Building Authority is hereby 24590
authorized to issue and sell, in accordance with Section 2i of 24591
Article VIII, Ohio Constitution, and Chapter 152. and section 24592
307.021 of the Revised Code, original obligations in an aggregate 24593
principal amount not to exceed \$62,000,000 in addition to the 24594
original issuance of obligations heretofore authorized by prior 24595

acts of the General Assembly. These authorized obligations shall 24596
be issued, subject to applicable constitutional and statutory 24597
limitations, to pay costs associated with previously authorized 24598
capital facilities and the capital facilities referred to in 24599
Section 223.10 of this act for the Department of Rehabilitation 24600
and Correction. 24601

Section 225.10. The items set forth in this section are 24602
hereby appropriated out of any moneys in the state treasury to the 24603
credit of the Juvenile Correctional Building Fund (Fund 7028) that 24604
are not otherwise appropriated. 24605

Appropriations

DYS DEPARTMENT OF YOUTH SERVICES			24606
C47001	Fire Suppression, Safety and Security	\$ 4,036,125	24607
C47002	General Institutional Renovations	\$ 4,424,725	24608
C47003	CCF Renovations/Maintenance	\$ 2,000,000	24609
C47007	Juvenile Detention Centers	\$ 4,980,000	24610
C47016	Shower Renovation - SJCF	\$ 1,642,000	24611
C47017	Roof Replacement - SJCF	\$ 1,508,650	24612
C47018	Educational Annex - CHJCF	\$ 1,408,500	24613
C47019	Lawrence County Youth Facility	\$ 500,000	24614
	Relocation		
C47020	Lighthouse Youth Services	\$ 50,000	24615
	Total Department of Youth Services	\$ 20,550,000	24616
	TOTAL Juvenile Correctional Building Fund	\$ 20,550,000	24617

Section 225.11. The Ohio Building Authority is hereby 24619
authorized to issue and sell, in accordance with Section 2i of 24620
Article VIII, Ohio Constitution, and Chapter 152. and other 24621
applicable sections of the Revised Code, original obligations in 24622
an aggregate principal amount not to exceed \$19,000,000 in 24623
addition to the original issuance of obligations heretofore 24624

authorized by prior acts of the General Assembly. These authorized 24625
obligations shall be issued, subject to applicable constitutional 24626
and statutory limitations, to pay the costs associated with 24627
previously authorized capital facilities and the capital 24628
facilities referred to in Section 225.10 of this act for the 24629
Department of Youth Services. 24630

Section 227.10. The items set forth in this section are 24631
hereby appropriated out of any moneys in the state treasury to the 24632
credit of the Cultural and Sports Facilities Building Fund (Fund 24633
7030) that are not otherwise appropriated. 24634

Appropriations

AFC CULTURAL FACILITIES COMMISSION 24635

C37118	Statewide Site Repairs	\$	650,000	24636
C37120	Cincinnati Museum Center	\$	2,500,000	24637
C37122	Akron Art Museum	\$	500,000	24638
C37123	Youngstown Symphony Orchestra	\$	675,000	24639
C37127	Cedar Bog	\$	50,000	24640
C37139	Stan Hywett Hall & Gardens	\$	1,250,000	24641
C37140	McKinley Museum Improvements	\$	200,000	24642
C37142	Midland Theatre Improvements	\$	300,000	24643
C37148	Hayes Presidential Center	\$	150,000	24644
C37152	Zoar Village Building Restoration	\$	90,000	24645
C37153	Basic Renovations and Emergency Repairs	\$	850,000	24646
C37158	Rankin House Restoration and Development	\$	242,000	24647
C37163	Harding Home and Tomb	\$	340,000	24648
C37165	Ohio Historical Center Rehabilitation	\$	514,000	24649
C37187	Renaissance Theatre	\$	900,000	24650
C37188	Trumpet in the Land Facility	\$	150,000	24651
C371A3	Voice of America Museum Facility	\$	500,000	24652
C371A9	Western Reserve Historical Society	\$	300,000	24653
C371C7	Music Hall Facility	\$	1,100,000	24654

C371E5	Pro Football Hall of Fame	\$	500,000	24655
C371F6	Colony Theater	\$	250,000	24656
C371G4	Collections Storage Facility and Learning Center	\$	1,240,000	24657
C371G6	Lockington Locks Stabilization	\$	462,000	24658
C371H2	National Underground Railroad Freedom Center	\$	850,000	24659
C371H5	Heritage Center of Dayton Manufacturing & Entrepreneurship	\$	1,000,000	24660
C371H7	COSI - Columbus	\$	500,000	24661
C371H8	Columbus Museum of Art	\$	1,500,000	24662
C371J3	Davis-Shai Historical Facility	\$	725,000	24663
C371J4	Massillon Museum Improvements	\$	150,000	24664
C371J6	Peggy McConnell Arts Center - Worthington	\$	475,000	24665
C371J9	Stambaugh Auditorium	\$	675,000	24666
C371K3	Cincinnati Ballet	\$	250,000	24667
C371L3	Ukrainian Museum	\$	50,000	24668
C371L4	Gordon Square Arts Center	\$	1,800,000	24669
C371M8	Hale Farm and Village	\$	200,000	24670
C371O9	Historic Site-Signage - Phase II	\$	50,000	24671
C371P4	Cleveland Playhouse	\$	150,000	24672
C371P9	Civil War Site Improvements	\$	475,000	24673
C371Q0	On-Line Portal to Ohio's Heritage	\$	427,000	24674
C371Q1	Lucas County Multi-purpose Sports Arena	\$	2,200,000	24675
C371Q2	Ballpark Village project	\$	2,000,000	24676
C371Q5	Cincinnati Zoo	\$	1,500,000	24677
C371Q6	Cincinnati Art Museum	\$	1,500,000	24678
C371R0	King Arts Complex	\$	861,000	24679
C371R3	Loudonville Opera House	\$	600,000	24680
C371R4	Eagles Palace Theater	\$	600,000	24681
C371R6	Historic McCook House	\$	500,000	24682
C371R7	Jeffrey Mansion in Bexley	\$	475,000	24683

C371R8	Columbus Zoo and Aquarium	\$	500,000	24684
C371S0	Towpath Trail	\$	500,000	24685
C371S1	Museum of Contemporary Art Cleveland	\$	450,000	24686
C371S2	Canton Art Institute	\$	450,000	24687
C371S3	Ohio Genealogical Society	\$	350,000	24688
C371S5	Lake County Fine Arts Association	\$	300,000	24689
C371S7	Maltz Museum of Jewish Heritage	\$	300,000	24690
C371S8	Allen County Historical Society Museum Renovation	\$	280,000	24691
C371S9	Portsmouth Mural	\$	250,000	24692
C371T0	Mt. Vernon - Nazarene University Arts Center	\$	300,000	24693
C371T2	Bucyrus Little Theater Restoration Project	\$	250,000	24694
C371T3	Boonshoft Museum of Discovery	\$	250,000	24695
C371T5	Cliffton Cultural Arts Center	\$	250,000	24696
C371T6	Baltimore Theatre	\$	50,000	24697
C371T7	Rock Mill Park Improvements	\$	150,000	24698
C371T9	Cozad-Bates House Historic Project	\$	100,000	24699
C371U1	Playhouse Square Center	\$	350,000	24700
C371U3	Lake Erie Nature & Science Center	\$	150,000	24701
C371U4	Great Lakes Science Center	\$	300,000	24702
C371U5	Cleveland Zoological Society	\$	150,000	24703
C371U8	Kidron Historical Society - Sonnenberg Village project	\$	200,000	24704
C371V0	Chesterhill Union Hall Theatre	\$	25,000	24705
C371V1	Geauga County Historical Society - Maple Museum	\$	20,000	24706
C371V2	Hallsville Historical Society	\$	100,000	24707
C371V3	Fayette County Historical Society	\$	150,000	24708
C371V4	Covedale Theatre	\$	100,000	24709
C371V5	Mariemont City - Women's Cultural Arts Center	\$	220,000	24710

C371V6	Madeira Historical Society/Miller House	\$	60,000	24711
C371V7	Sylvania Historic Village restoration	\$	200,000	24712
C371V8	City of Perrysburg & Owens Community College Indoor Firing Range	\$	200,000	24713
C371V9	Henry County Historical Society museum	\$	59,000	24714
C371W0	Antwerp Railroad Depot historic building	\$	106,000	24715
C371W1	Village of Edinburg Veterans Memorial	\$	35,000	24716
C371W2	Lorain County Historical Society Horace Starr House	\$	200,000	24717
C371W3	North Ridgeville Historic Community Theater	\$	175,000	24718
C371W4	Redbrick Center for the Arts	\$	250,000	24719
C371W5	Irene Lawrence Fuller Historic House	\$	250,000	24720
C371W6	Preble County Historical Society Amphitheater	\$	250,000	24721
C371W7	BalletTech	\$	200,000	24722
C371W8	Cincinnati Museum Center - Eulett Center	\$	150,000	24723
C371W9	Rickenbacker Boyhood Home	\$	139,000	24724
C371X0	Rivers Edge Amphitheater project	\$	100,000	24725
C371X1	Variety Theater	\$	85,000	24726
C371X2	Morgan Township Historical Society	\$	80,000	24727
C371X3	Salem Community Theater	\$	53,000	24728
C371X4	Our House State Memorial	\$	50,000	24729
C371X5	Belle's Opera House Improvements	\$	50,000	24730
C371X6	Warren Veterans memorial	\$	50,000	24731
C371X7	Huntington Playhouse	\$	40,000	24732
C371X8	Cambridge Performing Arts Center	\$	37,500	24733
C371X9	Old Harvey Historic School Restoration	\$	25,000	24734
C371Y0	Dalton Community Historical Society	\$	10,000	24735
C371Y1	Mohawk Veterans' Memorial	\$	15,000	24736
C371Y2	Cleveland Museum of Natural History	\$	150,000	24737
C371Y3	Fire Museum	\$	83,334	24738
C371Y4	New Town Indian Artifact Museum	\$	300,000	24739

C371Y5	City of Perrysburg Fort Meigs	\$	200,000	24740
C371Y6	Historic League Park Restoration	\$	150,000	24741
C371Y7	Ward-Thomas Museum	\$	50,000	24742
C371Z0	Marietta Citizens Armory Cultural Center	\$	200,000	24743
Total Cultural Facilities Commission		\$	43,723,834	24744
TOTAL Cultural and Sports Facilities Building Fund		\$	43,723,834	24745

Of the foregoing appropriation item C371Q5, Cincinnati Zoo, 24746
\$750,000 shall be used for the Cat Canyon/Small Cat Reproduction 24747
Center project." 24748

Section 227.11. The Treasurer of State is hereby authorized 24749
to issue and sell, in accordance with Section 2i of Article VIII, 24750
Ohio Constitution, and Chapter 154. and other applicable sections 24751
of the Revised Code, original obligations in an aggregate 24752
principal amount not to exceed \$42,000,000 in addition to the 24753
original issuance of obligations heretofore authorized by prior 24754
acts of the General Assembly. These authorized obligations shall 24755
be issued, subject to applicable constitutional and statutory 24756
limitations, to pay costs of capital facilities as defined in 24757
section 154.01 of the Revised Code, including construction as 24758
defined in division (H) of section 3383.01 of the Revised Code, of 24759
the Ohio cultural facilities designated in Section 227.10 of this 24760
act. 24761

Section 229.10. The items set forth in this section are 24762
hereby appropriated out of any moneys in the state treasury to the 24763
credit of the Ohio Parks and Natural Resources Fund (Fund 7031) 24764
that are not otherwise appropriated. 24765

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES				24766
STATEWIDE AND LOCAL PROJECTS				24767
C72512	Land Acquisition - Department	\$	3,000,000	24768
C72549	Operations Facilities Development	\$	1,500,000	24769

C725B7	Underground Fuel Storage Tank Removal/Replacement - Department	\$ 750,000	24770
C725C0	Cap Abandoned Water Wells	\$ 50,000	24771
C725E1	NatureWorks Local Park Grants	\$ 3,800,000	24772
C725E5	Project Planning	\$ 1,100,000	24773
C725J0	Natural Areas and Preserves Maintenance Facility Development - Springville Marsh Carbon Rod Removal	\$ 200,000	24774
C725M0	Dam Rehabilitation - Department	\$ 10,000,000	24775
C725N1	Handicapped Accessibility - Department	\$ 250,000	24776
C725N5	Wastewater/Water Systems Upgrade - Department	\$ 3,000,000	24777
C725O1	The Wilds	\$ 1,000,000	24778
C725P9	Boundary Protection	\$ 150,000	24779
C725R6	Blanchard River Flood Mitigation Efforts	\$ 3,000,000	24780
C725R7	Lake Alma Restroom and Shower Upgrades	\$ 650,000	24781
C725R8	Indian Lake Dredging	\$ 200,000	24782
C725R9	Wabash Watershed - Grand Lake St. Marys Dredging	\$ 150,000	24783
C725S0	Historic Pittsburgh Marion & Chicago Train Station Bike Trail	\$ 145,000	24784
C725S1	Addyston Boat Ramp	\$ 100,000	24785
C725S2	Sylvania Retaining Wall Project	\$ 200,000	24786
	Total Statewide and Local Projects	\$ 29,245,000	24787
	Total Department of Natural Resources	\$ 29,245,000	24788
	TOTAL Ohio Parks and Natural Resources Fund	\$ 29,245,000	24789

Of the foregoing appropriation item C72512, Land Acquisition 24790
- Department, \$2,500,000 shall be used for the acquisition of the 24791
Vinton Furnace Experimental Forest. 24792

The foregoing appropriation item C725R6, Blanchard River 24793
Flood Mitigation Efforts, shall be used in conjunction with the 24794
U.S. Army Corps of Engineers plan to address continuing flooding 24795
of the Blanchard River in Putnam, Hancock, Hardin, Wyandot, Allen, 24796

and Seneca Counties as part of the nonfederal share. 24797

Section 229.11. The Ohio Public Facilities Commission, upon 24798
the request of the Director of Natural Resources, is hereby 24799
authorized to issue and sell, in accordance with Section 21 of 24800
Article VIII, Ohio Constitution, and Chapter 151. and particularly 24801
sections 151.01 and 151.05 of the Revised Code, original 24802
obligations in an aggregate principal amount not to exceed 24803
\$28,000,000 in addition to the original issuance of obligations 24804
heretofore authorized by prior acts of the General Assembly. These 24805
authorized obligations shall be issued, subject to applicable 24806
constitutional and statutory limitations, as needed to provide 24807
sufficient moneys to the credit of the Ohio Parks and Natural 24808
Resources Fund (Fund 7031) to pay costs of capital facilities as 24809
defined in sections 151.01 and 151.05 of the Revised Code. 24810

Section 231.10. The items set forth in the sections of this 24811
act prefixed with the number "231" are hereby appropriated out of 24812
any moneys in the state treasury to the credit of the Mental 24813
Health Facilities Improvement Fund (Fund 7033) that are not 24814
otherwise appropriated. 24815

Appropriations

Section 231.10.10. ADA DEPARTMENT OF ALCOHOL AND DRUG 24816
ADDICTION SERVICES 24817

C03804	Rehab Center of North Central Ohio	\$	300,000	24818
C03805	Prevention and Recovery Board - Jefferson County	\$	300,000	24819
C03806	Lorain County Alcohol and Drug Abuse Services	\$	250,000	24820
C03807	First Step Home	\$	200,000	24821
C03808	Glenbeigh Extended Residential Care	\$	500,000	24822
Total Department of Alcohol and Drug Addiction		\$	1,550,000	24823

Services

Appropriations

Section 231.10.20. DMH DEPARTMENT OF MENTAL HEALTH			24825
C58000	Hazardous Material Abatement	\$ 500,000	24826
C58001	Community Assistance Projects	\$ 9,210,000	24827
C58006	Patient Care Environment Improvement	\$ 3,700,000	24828
C58007	Infrastructure Improvements	\$ 4,600,000	24829
C58010	Campus Consolidation	\$ 83,700,000	24830
C58017	Bellefaire Jewish Children's Bureau	\$ 400,000	24831
C58018	Safety and Security Improvements	\$ 1,460,000	24832
C58019	Energy Conservation Projects	\$ 750,000	24833
C58020	Mandel Jewish Community Center	\$ 210,000	24834
Total Department of Mental Health			\$ 104,530,000 24835

COMMUNITY ASSISTANCE PROJECTS 24836

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 for the Berea Children's Home, and \$6,300,000 shall be used for the development of a crisis care center in the area previously serviced by the Dayton Campus of Twin Valley Behavioral Health Organization.

Appropriations

Section 231.20.30. DMR DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES			24848
STATEWIDE AND CENTRAL OFFICE PROJECTS			24849
C59004	Community Assistance Projects	\$ 13,301,537	24850
			24851

C59022	Razing of Buildings	\$	200,000	24852
C59024	Telecommunications	\$	400,000	24853
C59029	Generator Replacement	\$	1,000,000	24854
C59034	Statewide Developmental Centers	\$	4,294,237	24855
C59050	Emergency Improvements	\$	500,000	24856
C59051	Energy Conservation	\$	500,000	24857
C59052	Guernsey County MRDD Boiler Replacement	\$	275,000	24858
C59053	Magnolia Clubhouse	\$	250,000	24859
C59054	Recreation Unlimited Life Center - Delaware	\$	150,000	24860
C59055	Camp McKinley Improvements	\$	30,000	24861
C59056	The Hope Learning Center	\$	250,000	24862
C59057	North Olmstead Welcome House	\$	150,000	24863
C59058	Providence House	\$	200,000	24864
	Total Statewide and Central Office Projects	\$	21,500,774	24865
	TOTAL Department of Mental Retardation and Developmental Disabilities	\$	21,500,774	24866
	TOTAL Mental Health Facilities Improvement Fund	\$	127,580,774	24867

COMMUNITY ASSISTANCE PROJECTS 24868

The foregoing appropriation item C59004, Community Assistance 24869
Projects, may be used to provide community assistance funds for 24870
the development, purchase, construction, or renovation of 24871
facilities for day programs or residential programs that provide 24872
services to persons eligible for services from the Department of 24873
Mental Retardation and Developmental Disabilities or county boards 24874
of mental retardation and developmental disabilities. Any funds 24875
provided to nonprofit agencies for the construction or renovation 24876
of facilities for persons eligible for services from the 24877
Department of Mental Retardation and Developmental Disabilities 24878
and county boards of mental retardation and developmental 24879
disabilities shall be governed by the prevailing wage provisions 24880
in section 176.05 of the Revised Code. 24881

Section 231.30.10. The foregoing appropriations for the 24882
Department of Mental Health, C58001, Community Assistance 24883
Projects, and the Department of Mental Retardation and 24884
Developmental Disabilities, C59004, Community Assistance Projects, 24885
may be used for facilities constructed or to be constructed 24886
pursuant to Chapter 340., 3793., 5119., 5123., or 5126. of the 24887
Revised Code or the authority granted by section 154.20 of the 24888
Revised Code and the rules issued pursuant to those chapters and 24889
shall be distributed by the Department of Mental Health and the 24890
Department of Mental Retardation and Developmental Disabilities, 24891
all subject to Controlling Board approval. 24892

Section 231.30.20. (A) No capital improvement appropriations 24893
made in Sections 231.10.10 to 231.30.10 of this act shall be 24894
released for planning or for improvement, renovation, or 24895
construction or acquisition of capital facilities if a 24896
governmental agency, as defined in section 154.01 of the Revised 24897
Code, does not own the real property that constitutes the capital 24898
facilities or on which the capital facilities are or will be 24899
located. This restriction does not apply in any of the following 24900
circumstances: 24901

(1) The governmental agency has a long-term (at least fifteen 24902
years) lease of, or other interest (such as an easement) in, the 24903
real property. 24904

(2) In the case of an appropriation for capital facilities 24905
that, because of their unique nature or location, will be owned or 24906
be part of facilities owned by a separate nonprofit organization 24907
and made available to the governmental agency for its use or 24908
operated by the nonprofit organization under contract with the 24909
governmental agency, the nonprofit organization either owns or has 24910
a long-term (at least fifteen years) lease of the real property or 24911
other capital facility to be improved, renovated, constructed, or 24912

acquired and has entered into a joint or cooperative use 24913
agreement, approved by the Department of Mental Health or the 24914
Department of Mental Retardation and Developmental Disabilities, 24915
whichever is applicable, with the governmental agency for that 24916
agency's use of and right to use the capital facilities to be 24917
financed and, if applicable, improved, the value of such use or 24918
right to use being, as determined by the parties, reasonably 24919
related to the amount of the appropriation. 24920

(B) In the case of capital facilities referred to in division 24921
(A)(2) of this section, the joint or cooperative use agreement 24922
shall include, at a minimum, provisions that: 24923

(1) Specify the extent and nature of that joint or 24924
cooperative use, extending for not fewer than fifteen years, with 24925
the value of such use or right to use to be, as determined by the 24926
parties and approved by the approving department, reasonably 24927
related to the amount of the appropriation; 24928

(2) Provide for pro rata reimbursement to the state should 24929
the arrangement for joint or cooperative use by a governmental 24930
agency be terminated; 24931

(3) Provide that procedures to be followed during the capital 24932
improvement process will comply with applicable state statutes and 24933
rules, including the provisions of this act. 24934

Section 231.40.10. The Treasurer of State is hereby 24935
authorized to issue and sell in accordance with Section 2i of 24936
Article VIII, Ohio Constitution, and Chapter 154. of the Revised 24937
Code, particularly section 154.20 of the Revised Code, original 24938
obligations in an aggregate principal amount not to exceed 24939
\$128,000,000 in addition to the original issuance of obligations 24940
heretofore authorized by prior acts of the General Assembly. These 24941
authorized obligations shall be issued, subject to applicable 24942
constitutional and statutory limitations, to pay costs of capital 24943

facilities as defined in section 154.01 of the Revised Code for 24944
mental hygiene and retardation. 24945

Section 233.10. The items set forth in the sections of this 24946
act prefixed with the section number "233" are hereby appropriated 24947
out of any moneys in the state treasury to the credit of the 24948
Higher Education Improvement Fund (Fund 7034) that are not 24949
otherwise appropriated. 24950

Appropriations

Section 233.10.10. ETC ETECH OHIO 24951
C37403 OGT Camera and Cabling Replacement \$ 725,000 24952
C37404 Digital Conversion \$ 525,000 24953
C37405 Digital Conversion for Public Television \$ 9,000,000 24954
Total eTech Ohio \$ 10,250,000 24955

Appropriations

Section 233.20.10. BOARD OF REGENTS AND STATE INSTITUTIONS OF 24957
HIGHER EDUCATION 24958
BOR BOARD OF REGENTS 24959
C23501 Ohio Supercomputer Center Expansion \$ 2,000,000 24960
C23502 Research Facility Action and Investment \$ 5,500,000 24961
Funds
C23506 Third Frontier Wright Capital \$ 100,000,000 24962
C23516 Ohio Library and Information Network \$ 9,910,000 24963
C23519 315 Corridor/SciTech \$ 500,000 24964
C23524 Supplemental Renovations - Library \$ 5,500,000 24965
Depositories
C23529 Non-credit Job Training Facilities \$ 2,350,000 24966
C23530 Technology Initiatives \$ 3,741,000 24967
C23531 Ohio Aerospace Institute \$ 200,000 24968
C23532 Dark Fiber/OARnet \$ 2,000,000 24969

C23533	Instructional and Data Processing Equipment	\$ 20,799,000	24970
C23534	Central State Student Activity Center	\$ 14,000,000	24971
C23535	CWRU Energy Center	\$ 333,333	24972
Total Board of Regents		\$ 166,833,333	24973

Section 233.20.20. RESEARCH FACILITY ACTION AND INVESTMENT 24975

FUNDS 24976

The foregoing appropriation item C23502, Research Facility 24977
Action and Investment Funds, shall be used for a program of grants 24978
to be administered by the Board of Regents to provide timely 24979
availability of capital facilities for research programs and 24980
research-oriented instructional programs at or involving 24981
state-supported and state-assisted institutions of higher 24982
education. 24983

Section 233.20.30. THIRD FRONTIER WRIGHT CAPITAL 24984

The foregoing appropriation item C23506, Third Frontier 24985
Wright Capital, shall be used to acquire, renovate, or construct 24986
facilities and purchase equipment for research programs, 24987
technology development, product development, and commercialization 24988
programs at or involving state-supported and state-assisted 24989
institutions of higher education. The funds shall be used to make 24990
grants, which shall be awarded on a competitive basis, and shall 24991
be administered by the Third Frontier Commission. Expenditure of 24992
these funds shall comply with Section 2n of Article VIII, Ohio 24993
Constitution, and sections 151.01 and 151.04 of the Revised Code 24994
and shall be for the period beginning July 1, 2008, and ending 24995
June 30, 2010. 24996

The Third Frontier Commission shall develop guidelines 24997
relative to the application for and selection of projects funded 24998
from appropriation item C23506, Third Frontier Wright Capital. The 24999

Commission may develop the guidelines in consultation with other 25000
interested parties. The Board of Regents and all state-assisted 25001
and state-supported institutions of higher education shall take 25002
all actions necessary to implement grants awarded by the Third 25003
Frontier Commission. 25004

The foregoing appropriation item C23506, Third Frontier 25005
Wright Capital, consists of proceeds of obligations in the Higher 25006
Education Improvement Fund (Fund 7034) that are to be applied to 25007
capital improvements and capital facilities for state-supported 25008
and state-assisted institutions of higher education. 25009

Appropriations

Section 233.30.10. UAK UNIVERSITY OF AKRON			25010
C25000	Basic Renovations	\$ 5,056,161	25011
C25002	Wayne College Renovations/Expansion	\$ 258,182	25012
C25033	Polymer Processing Center - Phase II	\$ 7,363,281	25013
C25038	College of Education	\$ 5,000,000	25014
C25039	Campus Implementation	\$ 1,452,047	25015
C25040	Replacement of Gym Floor	\$ 150,000	25016
C25041	Maintenance Building	\$ 250,000	25017
C25042	Property Management Projects	\$ 150,000	25018
C25043	Akron Canton Regional Foodbank	\$ 200,000	25019
C25044	Hiram College James A. Garfield Institute	\$ 500,000	25020
Total University of Akron			\$ 20,379,671 25021

Appropriations

Section 233.30.20. BGU BOWLING GREEN STATE UNIVERSITY			25023
C24000	Basic Renovations	\$ 4,354,164	25024
C24001	Basic Renovations - Firelands	\$ 298,536	25025
C24021	Fine Art and Theater Complex	\$ 6,116,000	25026
C24037	Academic Buildings Rehabilitation	\$ 6,857,801	25027

C24038	Health Sciences Building	\$	934,363	25028
C24039	Wood County Health District Facility	\$	1,200,000	25029
C24040	James H. McBride Arboretum at BGSU	\$	378,000	25030
	Firelands			
	Total Bowling Green University	\$	20,138,864	25031

Appropriations

Section 233.30.30. CSU CENTRAL STATE UNIVERSITY 25033

C25500	Basic Renovations	\$	1,100,972	25034
C25503	Center for Education & Natural Sciences	\$	1,000,000	25035
C25507	Campus Master Plan	\$	500,000	25036
C25508	Emery Hall	\$	545,746	25037
	Total Central State University	\$	3,146,718	25038

Appropriations

Section 233.30.40. UCN UNIVERSITY OF CINCINNATI 25039

C26500	Basic Renovations	\$	10,720,621	25040
C26501	Basic Renovations - Clermont	\$	326,112	25041
C26502	Raymond Walters Renovations	\$	501,195	25042
C26530	Medical Science Building Renovation & Expansion	\$	26,412,509	25043
C26607	Consolidated Communication Project of Clermont County	\$	400,000	25044
C26612	Clermont Renovations	\$	751,132	25045
C26613	New Building	\$	1,582,233	25046
C26614	Barrett Cancer Center	\$	1,500,000	25047
C26615	Beech Acres	\$	125,000	25048
C26616	Forest Park Homeland Security Facility	\$	50,000	25049
C26617	Health Care Connection - Lincoln Heights	\$	150,000	25050
C26618	People Working Cooperatively	\$	120,000	25051
C26619	Sharonville Convention Center	\$	950,000	25052
C26620	Society for the Prevention of Cruelty to Animals - Facility	\$	100,000	25053

C26621	Mayerson Center	\$	200,000	25054
Total University of Cincinnati		\$	43,888,802	25055

Appropriations

Section 233.30.50. CLS CLEVELAND STATE UNIVERSITY 25057

C26000	Basic Renovations	\$	6,431,121	25058
C26035	Cleveland Institute of Art	\$	500,000	25059
C26048	Rhodes Tower Renovation	\$	4,030,166	25060
C26049	Basic Science Building HVAC and Electrical Upgrade	\$	1,125,000	25061
C26050	Law Building Renovation	\$	3,500,000	25062
C26051	Cleveland Hearing and Speech Center	\$	50,000	25063
C26052	University Hospitals Ireland Cancer Center	\$	3,000,000	25064
Total Cleveland State University		\$	18,636,287	25065

Appropriations

Section 233.30.60. KSU KENT STATE UNIVERSITY 25067

C27000	Basic Renovations	\$	5,220,323	25068
C27002	Basic Renovations - East Liverpool	\$	177,231	25069
C27004	Basic Renovations - Salem	\$	136,423	25070
C27005	Basic Renovations - Stark	\$	491,417	25071
C27006	Basic Renovations - Ashtabula	\$	281,425	25072
C27007	Basic Renovations - Trumbull	\$	463,939	25073
C27008	Basic Renovations - Tuscarawas	\$	310,510	25074
C27072	Gym Renovations for Health Sciences, Construction Phase	\$	486,469	25075
C27076	Performing Arts Center	\$	933,027	25076
C27087	Electrical Infrastructure Improvements	\$	1,407,000	25077
C27088	Oscar Ritchie Hall Rehabilitation	\$	6,715,000	25078
C27090	Music and Speech Center Renovations/Addition	\$	5,781,158	25079
C27093	Science and Nursing Building	\$	1,600,286	25080

C27096	Blossom Music Center	\$	1,000,000	25081
C270A5	Basic Renovations - Geauga	\$	93,152	25082
C270A6	Main Hall Renovations	\$	768,084	25083
C270A7	Classroom Building Interior Renovations, Phase 2	\$	333,435	25084
C270A8	Classroom Building HVAC and Energy Conservation Improvements	\$	259,027	25085
C270A9	Art Building Roof Replacement	\$	1,000,000	25086
C270B0	Classroom Building Interior Renovations	\$	854,608	25087
C270B1	University Hospitals Geauga Medical Center	\$	1,000,000	25088
C270B2	Cleveland Orchestra - Severance Hall	\$	750,000	25089
Total Kent State University		\$	30,062,514	25090

Appropriations

Section 233.30.70. MUN MIAMI UNIVERSITY				25092
C28500	Basic Renovations	\$	5,615,288	25093
C28502	Basic Renovations - Hamilton	\$	686,759	25094
C28503	Basic Renovations - Middletown	\$	588,815	25095
C28556	Upham Hall North Wing Rehabilitation	\$	3,600,000	25096
C28559	Academic/Administrative & General Improvement Projects	\$	1,153,217	25097
C28560	Academic/Administrative & General Improvement Projects	\$	1,286,226	25098
C28564	Laws Hall Rehabilitation	\$	6,250,000	25099
C28565	Hughes Hall "C" Wing (design)	\$	700,000	25100
C28566	Western Steam Distribution Project	\$	1,500,000	25101
Total Miami University		\$	21,380,305	25102

Appropriations

Section 233.30.80. OSU OHIO STATE UNIVERSITY				25104
C31500	Basic Renovations	\$	22,999,842	25105
C31598	Main Library Rehabilitation/Expansion	\$	8,660,000	25106

C315R4	Founders Hall and Hopewell Hall Renovations	\$	1,003,812	25107
C315R7	Stone Lab Classroom Improvements	\$	250,000	25108
C315T4	Basic Renovations - Agricultural Technical Institute	\$	623,680	25109
C315T5	Basic Renovations - Lima	\$	311,913	25110
C315T6	Basic Renovations - Mansfield	\$	374,760	25111
C315T7	Basic Renovations - Marion	\$	312,878	25112
C315T8	Basic Renovations - Newark	\$	361,499	25113
C315T9	Basic Renovations - OARDC	\$	2,118,042	25114
C315U0	Horticultural Operations Center	\$	6,855,787	25115
C315U1	New Maintenance Facility	\$	2,000,000	25116
C315U2	Academic Core - North	\$	37,756,725	25117
C315U3	Cunz Hall Renovation	\$	6,540,000	25118
C315U4	College of Medicine Renovation/Addition	\$	6,000,000	25119
C315U5	Animal & Plant Biology Level 3 Isolate Facility	\$	6,220,796	25120
C315U7	Nationwide Children's Hospital Capital Equipment	\$	2,500,000	25121
C315U8	OSU African American & African Studies Community Center	\$	750,000	25122
C315U9	Flying Horse Pediatric Facility	\$	250,000	25123
Total Ohio State University		\$	105,889,734	25124

Appropriations

Section 233.30.90. OHU OHIO UNIVERSITY			25126	
C30000	Basic Renovations	\$	5,043,296	25127
C30004	Basic Renovations - Eastern	\$	218,674	25128
C30006	Basic Renovations - Zanesville	\$	297,309	25129
C30007	Basic Renovations - Chillicothe	\$	266,629	25130
C30008	Basic Renovations - Ironton	\$	232,932	25131
C30021	Brasee Hall Library/Gymnasium Renovation	\$	801,485	25132
C30048	Clippinger Laboratory Renovation - 2nd &	\$	3,400,000	25133

	3rd Floors			
C30051	Lausche Heating Plant Completion	\$	4,410,000	25134
C30053	Parking and Roadway Improvements	\$	502,542	25135
C30058	Integrated Learning and Research Facility	\$	9,000,000	25136
C30062	Shannon Hall Interior Renovations - Learning Commons	\$	609,112	25137
C30064	Stevenson Center Learning Commons	\$	500,000	25138
C30069	Elson Hall 2nd Floor Partial Renovation	\$	1,129,666	25139
C30073	Land Acquisition	\$	170,830	25140
C30074	Basic Renovations - Lancaster	\$	306,577	25141
C30075	Infrastructure Improvements	\$	1,900,000	25142
C30076	Campus Entry & Grounds Improvements	\$	325,000	25143
C30077	Academic Building Laboratory & Classroom Renovation Planning	\$	58,491	25144
C30078	OU Southern Proctorville Campus Upgrades	\$	50,000	25145
C30079	OU Southern Horse Park	\$	325,000	25146
	Total Ohio University	\$	29,547,543	25147

Appropriations

	Section 233.33.10. SSC SHAWNEE STATE UNIVERSITY			25149
C32400	Basic Renovations	\$	1,036,884	25150
C32415	Land Acquisition	\$	200,000	25151
C32423	Administration Building Renovation	\$	1,443,831	25152
	Total Shawnee State University	\$	2,680,715	25153

Appropriations

	Section 233.33.20. UTO UNIVERSITY OF TOLEDO			25155
C34000	Basic Renovations	\$	5,800,643	25156
C34033	CBLE - Stranahan Hall Addition	\$	4,600,000	25157
C34036	North Engineering Renovation	\$	4,750,000	25158
C34038	MCO - Core Research Facility	\$	1,800,000	25159
C34040	MCO - Clinical Academic Renovation	\$	900,000	25160

C34041	MCO - Resource & Community Learning Center	\$	900,000	25161
C34044	Campus Infrastructure Improvements	\$	3,750,000	25162
C34045	Building Demolition	\$	1,400,000	25163
C34046	MCO - Basic Renovations	\$	2,013,792	25164
C34047	Center for Legal Justice	\$	1,000,000	25165
C34048	Mercy College Technology and Infomatics Center	\$	225,000	25166
Total University of Toledo		\$	27,139,435	25167

Appropriations

Section 233.33.30. WSU WRIGHT STATE UNIVERSITY				25169
C27500	Basic Renovations	\$	3,759,018	25170
C27501	Basic Renovations - Lake	\$	132,481	25171
C27513	Science Laboratory Renovations	\$	8,521,508	25172
C27526	Lake Campus Rehabilitation and Addition	\$	461,750	25173
C27527	Advanced Technical Intelligence Center (ATIC)	\$	2,500,000	25174
C27533	Auditorium/Classroom Upgrades	\$	1,084,769	25175
C27534	Student Academic Success Center Renovation	\$	250,000	25176
C27535	Air Force Advanced Manufacturing Facility	\$	1,500,000	25177
C27536	Nursing Institute Facility	\$	500,000	25178
C27537	Calamityville Lab Facilities (WPAFB)	\$	3,000,000	25179
Total Wright State University		\$	21,709,526	25180

Appropriations

Section 233.33.40. YSU YOUNGSTOWN STATE UNIVERSITY				25182
C34500	Basic Renovations	\$	3,473,188	25183
C34518	Building System Upgrades	\$	624,834	25184
C34523	Campus Development	\$	1,500,000	25185
C34524	Instructional Space Upgrades	\$	850,000	25186
C34525	College of Business	\$	5,100,000	25187

C34526	Trumbull County Business Incubator	\$	500,000	25188
	Total Youngstown State University	\$	12,048,022	25189

Appropriations

	Section 233.33.50. NEM NORTHEASTERN OHIO UNIVERSITIES COLLEGE			25191
	OF MEDICINE			25192
C30500	Basic Renovations	\$	637,463	25193
C30517	Building Expansion Sitework	\$	1,473,952	25194
	Total Northeastern Ohio Universities College of Medicine	\$	2,111,415	25195

Appropriations

	Section 233.40.10. CTC CINCINNATI STATE COMMUNITY COLLEGE			25197
C36101	Basic Renovations	\$	1,255,923	25198
C36107	Classroom Upgrade Project	\$	270,000	25199
C36113	Freestore Food Bank	\$	100,000	25200
C36114	Lot C Parking Lot	\$	250,000	25201
C36115	Ceiling Replacement	\$	75,000	25202
C36116	Electrical Surge Protection	\$	100,000	25203
C36117	Campus Signage	\$	75,000	25204
C36118	Window and Garage Doors	\$	175,659	25205
C36119	Window Replacement	\$	100,000	25206
C36120	Blue Ash City Conference Center	\$	150,000	25207
C36121	Hebrew Union College Archives	\$	185,000	25208
	Total Cincinnati State Community College	\$	2,736,582	25209

Appropriations

	Section 233.40.20. CLT CLARK STATE COMMUNITY COLLEGE			25211
C38512	Basic Renovations	\$	536,990	25212
C38513	Clark State Arts Center	\$	300,000	25213
C38514	Center City Park in Springfield - Phase II	\$	1,500,000	25214
	Total Clark State Community College	\$	2,336,990	25215

Appropriations

Section 233.40.30. CTI COLUMBUS STATE COMMUNITY COLLEGE			25217
C38400	Basic Renovations	\$ 1,691,834	25218
C38411	Columbus Hall Renovation	\$ 5,470,913	25219
C38412	Painters Apprenticeship Council	\$ 500,000	25220
C38413	Jewish Community Center NE Initiative	\$ 575,000	25221
C38414	Somali Community Center	\$ 100,000	25222
Total Columbus State Community College			\$ 8,337,747 25223

Appropriations

Section 233.40.40. CCC CUYAHOGA COMMUNITY COLLEGE			25225
C37800	Basic Renovations	\$ 3,482,709	25226
C37807	Cleveland Museum of Art	\$ 3,000,000	25227
C37818	Health Care Technology Building, Eastern Campus	\$ 9,775,889	25228
C37824	Rock and Roll Hall of Fame	\$ 1,000,000	25229
C37829	College of Podiatric Medicine	\$ 250,000	25230
C37830	Cuyahoga Community College Auto Lab Improvements	\$ 50,000	25231
C37831	Visiting Nurse Association	\$ 150,000	25232
C37832	Western Reserve Hospice Center	\$ 100,000	25233
Total Cuyahoga Community College			\$ 17,808,598 25234

Appropriations

Section 233.40.50. ESC EDISON STATE COMMUNITY COLLEGE			25236
C39000	Basic Renovations	\$ 688,818	25237
Total Edison State Community College			\$ 688,818 25238

Appropriations

Section 233.40.60. JTC JEFFERSON COMMUNITY COLLEGE			25240
C38600	Basic Renovations	\$ 269,043	25241
C39608	Second Floor Pugliese Training Center	\$ 887,025	25242

Total Jefferson Community College \$ 1,156,068 25243

Appropriations

Section 233.40.70. LCC LAKELAND COMMUNITY COLLEGE 25245

C37900 Basic Renovations \$ 1,132,835 25246

C37912 C Building East End \$ 1,896,964 25247

Total Lakeland Community College \$ 3,029,799 25248

Appropriations

Section 233.40.80. LOR LORAIN COMMUNITY COLLEGE 25250

C38300 Basic Renovations \$ 1,275,420 25251

C38307 CC Rehabilitation - Student Center \$ 3,572,633 25252

Total Lorain Community College \$ 4,848,053 25253

Appropriations

Section 233.40.90. NTC NORTHWEST STATE COMMUNITY COLLEGE 25255

C38200 Basic Renovations \$ 104,798 25256

C38205 Allied Health and Public Service Building \$ 1,093,249 25257

C38206 Fulton County Wind Project \$ 250,000 25258

Total Northwest State Community College \$ 1,448,047 25259

Appropriations

Section 233.43.10. OTC OWENS COMMUNITY COLLEGE 25261

C38800 Basic Renovations \$ 1,778,419 25262

C38813 Energy Management Infrastructure \$ 2,000,000 25263

C38814 Required and Code Compliance Renovations for Penta Campus \$ 2,500,000 25264

Total Owens Community College \$ 6,278,419 25265

Appropriations

Section 233.43.20. RGC RIO GRANDE COMMUNITY COLLEGE 25267

C35600 Basic Renovations \$ 495,799 25268

C35606	Louvee Theater Project	\$	450,000	25269
Total Rio Grande Community College		\$	945,799	25270

Appropriations

Section 233.43.30. SCC SINCLAIR COMMUNITY COLLEGE				25272
C37700	Basic Renovations	\$	2,518,446	25273
C37709	National Composite Center	\$	750,000	25274
C37710	Greentree Health Science Academy	\$	1,000,000	25275
Total Sinclair Community College		\$	4,268,446	25276

Appropriations

Section 233.43.40. SOC SOUTHERN STATE COMMUNITY COLLEGE				25278
C32200	Basic Renovations	\$	404,599	25279
C32204	Laboratory and Classroom Building	\$	100,000	25280
Total Southern State Community College		\$	504,599	25281

Appropriations

Section 233.43.50. TTC TERRA STATE COMMUNITY COLLEGE				25283
C36400	Basic Renovations	\$	368,589	25284
C36407	Skilled Trades Center	\$	3,250,000	25285
C36408	Herbert Perna Center for Physical Health Studies	\$	375,000	25286
Total Terra State Community College		\$	3,993,589	25287

Appropriations

Section 233.43.60. WTC WASHINGTON STATE COMMUNITY COLLEGE				25289
C35800	Basic Renovations	\$	328,895	25290
C35810	Health Science Education Facility	\$	250,000	25291
Total Washington State Community College		\$	578,895	25292

Appropriations

Section 233.50.10. BTC BELMONT TECHNICAL COLLEGE				25294
C36800	Basic Renovations	\$	243,300	25295

Total Belmont Technical College \$ 243,300 25296

Appropriations

Section 233.50.20. COT CENTRAL OHIO TECHNICAL COLLEGE 25298

C36900 Basic Renovations \$ 306,291 25299

C36905 Founders Hall and Hopewell Hall Renovations \$ 879,000 25300

C36907 COTC Expansion in Mt. Vernon \$ 700,000 25301

Total Central Ohio Technical College \$ 1,885,291 25302

Appropriations

Section 233.50.30. HTC HOCKING TECHNICAL COLLEGE 25304

C36300 Basic Renovations \$ 654,837 25305

C36310 McClenaghan Center for Hospitality Training \$ 1,400,000 25306

C36312 Energy Institute \$ 300,226 25307

C36313 Perry County Community Health Center at Hocking College \$ 200,000 25308

C36314 New Lexington Public Safety Training Facility \$ 750,000 25309

Total Hocking Technical College \$ 3,305,063 25310

Appropriations

Section 233.50.40. LTC JAMES RHODES STATE COLLEGE 25312

C38100 Basic Renovations \$ 435,403 25313

C38110 Design Planning for Center of Excellence for Health Sciences \$ 919,365 25314

Total James Rhodes State College \$ 1,354,768 25315

Appropriations

Section 233.50.50. MTC MARION TECHNICAL COLLEGE 25317

C35900 Basic Renovations \$ 139,497 25318

C35905 Technical Education Center Vacated Space \$ 576,136 25319

Renovations

Total Marion Technical College \$ 715,633 25320

Appropriations

Section 233.50.60. MAT ZANE STATE COLLEGE 25322

C36200 Basic Renovations \$ 294,447 25323

C36205 Willett-Pratt Training Center Expansion \$ 250,000 25324

C36207 College & Health Science Halls ESI \$ 500,000 25325

Project, Phase II

Total Zane State College \$ 1,044,447 25326

Appropriations

Section 233.50.70. NCC NORTH CENTRAL TECHNICAL COLLEGE 25328

C38000 Basic Renovations \$ 552,097 25329

C38010 North Central State College Kehoe Center \$ 585,000 25330

C38011 North Central State College Fallerius \$ 150,000 25331

Technology Center

Total North Central Technical College \$ 1,287,097 25332

Appropriations

Section 233.50.80. STC STARK TECHNICAL COLLEGE 25334

C38900 Basic Renovations \$ 786,333 25335

C38913 Business Technologies Building \$ 2,034,537 25336

C38914 Corporate and Community Services \$ 500,000 25337

Facility

Total Stark Technical College \$ 3,320,870 25338

Total Board of Regents and 25339

Institutions of Higher Education \$ 597,709,802 25340

TOTAL Higher Education Improvement Fund \$ 607,959,802 25341

Section 233.60.10. DEBT SERVICE FORMULA ALLOCATION 25343

Based on the foregoing appropriations from the Higher 25344

Education Improvement Fund (Fund 7034), the following higher 25345

education institutions shall be responsible for the specified		25346
amounts as part of the debt service component of the instructional		25347
subsidy beginning in fiscal year 2010:		25348
INSTITUTION	AMOUNT	25349
University of Akron	\$ 13,355,046	25350
University of Akron - Wayne	\$ 627,584	25351
Bowling Green State University	\$ 12,482,535	25352
Bowling Green State University - Firelands	\$ 942,492	25353
Central State University	\$ 2,045,746	25354
University of Cincinnati	\$ 26,412,509	25355
University of Cincinnati - Clermont	\$ 751,132	25356
University of Cincinnati - Walters	\$ 1,582,233	25357
Cleveland State University	\$ 10,760,269	25358
Kent State University	\$ 14,903,158	25359
Kent State University - Ashtabula	\$ 812,835	25360
Kent State University - East Liverpool	\$ 333,435	25361
Kent State University - Geauga	\$ 259,027	25362
Kent State University - Salem	\$ 486,469	25363
Kent State University - Stark	\$ 1,600,286	25364
Kent State University - Trumbull	\$ 854,608	25365
Kent State University - Tuscarawas	\$ 933,027	25366
Miami University	\$ 13,042,402	25367
Miami University - Hamilton	\$ 1,324,456	25368
Miami University - Middletown	\$ 1,405,890	25369
Ohio State University	\$ 58,956,725	25370
Ohio State University - ATI	\$ 6,855,787	25371
Ohio State University - Lima	\$ 2,000,000	25372
Ohio State University - Newark	\$ 1,030,695	25373
Ohio State University - OARDC	\$ 6,220,796	25374
Ohio University	\$ 17,406,578	25375
Ohio University - Eastern	\$ 609,112	25376
Ohio University - Chillicothe	\$ 1,002,542	25377
Ohio University - Southern	\$ 554,321	25378

Ohio University - Lancaster	\$	801,485	25379
Ohio University - Zanesville	\$	1,129,666	25380
Shawnee State University	\$	1,643,831	25381
University of Toledo	\$	17,839,425	25382
Wright State University	\$	9,856,277	25383
Wright State University - Lake	\$	461,750	25384
Youngstown State University	\$	8,144,264	25385
Northeastern Ohio Universities College of Medicine	\$	1,542,025	25386
Cincinnati State Community College	\$	924,024	25387
Columbus State Community College	\$	5,470,913	25388
Cuyahoga Community College	\$	9,775,889	25389
Edison State Community College	\$	373,982	25390
Jefferson Community College	\$	874,547	25391
Lakeland Community College	\$	2,529,285	25392
Lorain County Community College	\$	3,572,633	25393
Northwest State Community College	\$	848,720	25394
Owens Community College	\$	4,449,028	25395
Terra State Community College	\$	3,250,000	25396
Central Ohio Technical College	\$	907,644	25397
Hocking Technical College	\$	1,700,226	25398
James Rhodes State Technical College	\$	919,365	25399
Marion Technical College	\$	576,136	25400
Zane State College	\$	701,703	25401
North Central Technical College	\$	435,000	25402
Stark Technical College	\$	1,844,168	25403

Institutions not listed above do not have a debt service 25404
obligation as a result of these appropriations. 25405

Within sixty days after the effective date of this section, 25406
any institution of higher education may notify the Board of 25407
Regents of its intention not to proceed with any project 25408
appropriated in this act. Upon receiving such a notification, the 25409
Board of Regents may release the institution from its debt service 25410

obligation for the specific project. 25411

Section 233.60.20. For all of the foregoing appropriation 25412
items from the Higher Education Improvement Fund (Fund 7034) that 25413
require local funds to be contributed by any state-supported or 25414
state-assisted institution of higher education, the Board of 25415
Regents shall not recommend that any funds be released until the 25416
recipient institution demonstrates to the Board of Regents and the 25417
Office of Budget and Management that the local funds contribution 25418
requirement has been secured or satisfied. The local funds are in 25419
addition to the foregoing appropriations. 25420

Section 233.60.30. The Ohio Public Facilities Commission is 25421
hereby authorized to issue and sell, in accordance with Section 2n 25422
of Article VIII, Ohio Constitution, and Chapter 151. and 25423
particularly sections 151.01 and 151.04 of the Revised Code, 25424
original obligations in an aggregate principal amount not to 25425
exceed \$606,000,000, in addition to the original issuance of 25426
obligations heretofore authorized by prior acts of the General 25427
Assembly. These authorized obligations shall be issued, subject to 25428
applicable constitutional and statutory limitations, to pay costs 25429
of capital facilities as defined in sections 151.01 and 151.04 of 25430
the Revised Code for state-supported and state-assisted 25431
institutions of higher education. 25432

Section 233.60.40. None of the foregoing capital improvements 25433
appropriations for state-supported or state-assisted institutions 25434
of higher education shall be expended until the particular 25435
appropriation has been recommended for release by the Board of 25436
Regents and released by the Director of Budget and Management or 25437
the Controlling Board. Either the institution concerned, or the 25438
Board of Regents with the concurrence of the institution 25439
concerned, may initiate the request to the Director of Budget and 25440

Management or the Controlling Board for the release of the 25441
particular appropriations. 25442

Section 233.60.50. (A) No capital improvement appropriations 25443
made in sections of this act prefixed with the section number 25444
"233" shall be released for planning or for improvement, 25445
renovation, construction, or acquisition of capital facilities if 25446
the institution of higher education or the state does not own the 25447
real property on which the capital facilities are or will be 25448
located. This restriction does not apply in any of the following 25449
circumstances: 25450

(1) The institution has a long-term (at least fifteen years) 25451
lease of, or other interest (such as an easement) in, the real 25452
property. 25453

(2) The Board of Regents certifies to the Controlling Board 25454
that undue delay will occur if planning does not proceed while the 25455
property or property interest acquisition process continues. In 25456
this case, funds may be released upon approval of the Controlling 25457
Board to pay for planning through the development of schematic 25458
drawings only. 25459

(3) In the case of an appropriation for capital facilities 25460
that, because of their unique nature or location, will be owned or 25461
will be part of facilities owned by a separate nonprofit 25462
organization or public body and will be made available to the 25463
institution of higher education for its use, the nonprofit 25464
organization or public body either owns or has a long-term (at 25465
least fifteen years) lease of the real property or other capital 25466
facility to be improved, renovated, constructed, or acquired and 25467
has entered into a joint or cooperative use agreement with the 25468
institution of higher education that meets the requirements of 25469
division (C) of this section. 25470

(B) Any foregoing appropriations that require cooperation 25471
between a technical college and a branch campus of a university 25472
may be released by the Controlling Board upon recommendation by 25473
the Board of Regents that the facilities proposed by the 25474
institutions are: 25475

(1) The result of a joint planning effort by the university 25476
and the technical college, satisfactory to the Board of Regents; 25477

(2) Facilities that will meet the needs of the region in 25478
terms of technical and general education, taking into 25479
consideration the totality of facilities that will be available 25480
after the completion of the projects; 25481

(3) Planned to permit maximum joint use by the university and 25482
technical college of the totality of facilities that will be 25483
available upon their completion; and 25484

(4) To be located on or adjacent to the branch campus of the 25485
university. 25486

(C) The Board of Regents shall adopt rules regarding the 25487
release of moneys from all the foregoing appropriations for 25488
capital facilities for all state-supported or state-assisted 25489
institutions of higher education. In the case of capital 25490
facilities referred to in division (A)(3) of this section, the 25491
joint or cooperative use agreements shall include, as a minimum, 25492
provisions that: 25493

(1) Specify the extent and nature of that joint or 25494
cooperative use, extending for not fewer than fifteen years, with 25495
the value of such use or right to use to be, as is determined by 25496
the parties and approved by the Board of Regents, reasonably 25497
related to the amount of the appropriations; 25498

(2) Provide for pro rata reimbursement to the state should 25499
the arrangement for joint or cooperative use be terminated; 25500

(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

(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.

(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.

(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.

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 College, Rio Grande Community College, and Sinclair Community College; and technical college districts, which include Belmont Technical College, Central Ohio Technical College, Hocking Technical College, James Rhodes State College, Marion Technical College, Zane State College, North Central Technical College, and Stark Technical College.

Section 233.60.70. Those institutions locally administering

capital improvement projects pursuant to section 3345.50 of the Revised Code may: 25531
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(A) Establish charges for recovering costs directly related to project administration as defined by the Director of Administrative Services. The Department of Administrative Services shall review and approve these administrative charges when the charges are in excess of 1.5 per cent of the total construction budget. 25533
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(B) Seek reimbursement from state capital appropriations to the institution for the in-house design services performed by the institution for the capital projects. Acceptable charges are limited to design document preparation work that is done by the institution. These reimbursable design costs shall be shown as "A/E fees" within the project's budget that is submitted to the Controlling Board or the Director of Budget and Management as part of a request for release of funds. The reimbursement for in-house design shall not exceed seven per cent of the estimated construction cost. 25539
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Section 235.10. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Parks and Recreation Improvement Fund (Fund 7035) that are not otherwise appropriated. 25549
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25552

Appropriations

	DNR DEPARTMENT OF NATURAL RESOURCES		25553
C725A0	State Parks, Campgrounds, Cabins, & Lodges	\$ 5,150,000	25554
C725A9	Park Boating Facilities - Shawnee Marina	\$ 1,000,000	25555
C725B8	Upgrade Underground Fuel Storage Tanks - Statewide	\$ 250,000	25556
C725E2	Local Parks Projects	\$ 25,552,333	25557

C725E6	Project Planning	\$	500,000	25558
C725L8	Statewide Trails Program - Hocking Hills Trails Rehabilitation Phase II	\$	1,000,000	25559
C725M5	Middle Bass Island State Park - Marina	\$	4,000,000	25560
C725N0	Handicapped Accessibility - Statewide	\$	100,000	25561
C725N4	Hazardous Waste/Asbestos Abatement - Statewide	\$	150,000	25562
C725N6	Statewide Wastewater/Water Systems Upgrade	\$	3,000,000	25563
C725R3	State Park Renovations/Upgrading - Statewide Beach Bath House Replacement	\$	1,000,000	25564
Total Department of Natural Resources		\$	41,702,333	25565
TOTAL Parks and Recreation Improvement Fund		\$	41,702,333	25566

FEDERAL REIMBURSEMENT 25567

All reimbursements received from the federal government for 25568
any expenditures made pursuant to this section shall be deposited 25569
in the state treasury to the credit of the Parks and Recreation 25570
Improvement Fund (Fund 7035). 25571

LOCAL PARKS PROJECTS 25572

Of the foregoing appropriation item C725E2, Local Parks 25573
Projects, an amount equal to two per cent of the projects listed 25574
may be used by the Department of Natural Resources for the 25575
administration of local projects, \$3,050,000 shall be used for the 25576
Scioto Mile Development, \$2,000,000 shall be used for the 25577
Riverfront Park, \$2,000,000 shall be used for the Goodyear Park, 25578
\$1,090,000 shall be used for the Sterling Park, \$1,000,000 shall 25579
be used for the Little Miami Trail extension - Hamilton County 25580
Park District, \$675,000 shall be used for the Anthony Wayne Youth 25581
Foundation Recreation area, \$100,000 shall be used for the Euclid 25582
Beach Pier, \$500,000 shall be used for the Euclid Marina 25583
Breakwater Project, \$500,000 shall be used for the Columbus Crew 25584
Facility - Hilliard, \$500,000 shall be used for the Franklin Park 25585

Conservatory, \$500,000 shall be used for the Colerain Township	25586
Park, \$500,000 shall be used for the Green Township Legacy Place	25587
Park, \$475,000 shall be used for the Dublin Emerald Fields Special	25588
Needs Playground, \$450,000 shall be used for the Sippo Lake Park	25589
improvements, \$400,000 shall be used for the Mentor Beach Park or	25590
Mentor Lagoons Marina, \$400,000 shall be used for the Wick	25591
Neighborhood Public Park, \$400,000 shall be used for the Wayne	25592
County Rails to Trails Project, \$350,000 shall be used by Franklin	25593
County Metro Parks for the Whittier Peninsula Park, \$350,000 shall	25594
be used for the Perry Township Park, \$333,333 shall be used for	25595
the East Bank of the Flats, \$300,000 shall be used for the New	25596
Richmond Park, \$300,000 shall be used for the Beavercreek Wildlife	25597
Education Center, \$300,000 shall be used for the Versailles Park	25598
Project, \$300,000 shall be used for the Madison Township Park,	25599
\$284,000 shall be used for the Bike and Pedestrian Path -	25600
SugarTree Corridor, \$275,000 shall be used for the Montville	25601
Township Park Project, \$250,000 shall be used for the Grand Lake	25602
St. Mary's Shoreline Rip Rap Project, \$250,000 shall be used for	25603
the West Chester Beckett Park Improvements, \$250,000 shall be used	25604
for the City of Strongsville Family Aquatic Center, \$250,000 shall	25605
be used for the Reis Park improvements, \$250,000 shall be used for	25606
the McIntyre Park Hiking and Biking Trails, \$250,000 shall be used	25607
for the Circleville Community Park Project, \$250,000 shall be used	25608
for the Fremont Area Foundation Park athletic facilities, \$250,000	25609
shall be used for the Alliance Park, \$250,000 shall be used for	25610
the Audobon Ohio Nature Center, \$200,000 shall be used for the	25611
Maple Heights Pool/Park improvements, \$200,000 shall be used for	25612
the Lancaster Community Parks revitalization, \$200,000 shall be	25613
used for the Grandview Yard Public Park, \$200,000 shall be used	25614
for the Wyoming City Regional Park, \$200,000 shall be used for the	25615
Chagrin River Lakefront Park, \$200,000 shall be used for the	25616
Aullwood Audobon Center, \$400,000 shall be used for the Austin	25617
Pike Project - land acquisition, \$200,000 shall be used for the	25618

Mary Virginia Crites Hammum Community Park, \$200,000 shall be used 25619
for the Canton Spray Park, \$150,000 shall be used for the Lima 25620
Historic Athletic Field, \$150,000 shall be used for the Myers 25621
Memorial Bandshell, \$150,000 shall be used for the City of Logan 25622
Park/Pool improvements, \$150,000 shall be used for the Houston 25623
Fisher Memorial Park improvements, \$150,000 shall be used for the 25624
Indian Lake State Park Campground Electrical Improvements, 25625
\$150,000 shall be used for the Avon Lake Veterans Park 25626
improvements, \$125,000 shall be used for the York Township Park 25627
land acquisition, \$124,500 shall be used for the Salt Fork 25628
Concession Stand, \$100,000 shall be used for the Monroe Veterans' 25629
Memorial Park, \$100,000 shall be used for the Rivers Edge Bikeway, 25630
\$100,000 shall be used for the Mayfield Heights Park Facility 25631
improvement, \$100,000 shall be used for the Auburn Township 25632
Community Park, \$100,000 shall be used for the Kidron Community 25633
Park Improvements, \$100,000 shall be used for the Lucas County 25634
Marina, \$100,000 shall be used for the Youngstown City Park, 25635
\$100,000 shall be used for the Salisbury Township Park 25636
improvements/land acquisition, \$100,000 shall be used for the 25637
Community Built Playground, \$100,000 shall be used for the Burkes 25638
Point Park, \$100,000 shall be used for the Barberton Newton Park, 25639
\$100,000 shall be used for the Crown Point Conservation Easement, 25640
\$100,000 shall be used for the Mudbrook Trail and Greenway 25641
Project, \$50,000 shall be used for the Mahoning River Water Trail, 25642
\$100,000 shall be used for the Moonville Rail Trail Project, 25643
\$100,000 shall be used for the Springboro Park improvements, 25644
\$75,000 shall be used for the Ault Park improvements, \$75,000 25645
shall be used for the Willard Soccer and Football Park Project, 25646
\$75,000 shall be used for the Austintown Nature Rooms, \$75,000 25647
shall be used for the Meigs Local Enrichment Project Multi-Purpose 25648
Complex, \$75,000 shall be used for the Miracle League facility - 25649
Muskingum County, \$70,000 shall be used for the City of 25650
Nelsonville Park/land acquisition, \$65,000 shall be used for the 25651

Village of Jacksonville Park improvements, \$58,500 shall be used 25652
by the Greene County Parks and Recreation Department for Greene 25653
County Park improvements, \$50,000 shall be used for the Ohio 25654
Wildlife Center, \$50,000 shall be used for the Kelley's Island 25655
Park Restroom PHASE II, \$50,000 shall be used for the Little 25656
League Challenger Field - Cambridge, \$50,000 shall be used for the 25657
Avon Isle Park improvements, \$46,000 shall be used for the 25658
Huntington Township Park Projects, \$35,000 shall be used for the 25659
Village of Buchtel Park improvements, \$35,000 shall be used for 25660
the Village of Syracuse Park improvements, \$30,000 shall be used 25661
for the Village of Albany Park improvements, \$30,000 shall be used 25662
for the Village of Aberdeen Boat Dock, \$30,000 shall be used for 25663
the Village of Hamler Parks improvement, \$25,000 shall be used for 25664
the Coshocton Children's Park, \$25,000 shall be used for the Alt 25665
Park improvements, \$25,000 shall be used for the Cambridge 25666
Handicapped Playground, \$25,000 shall be used for the Murray City 25667
Community Parks improvement, \$25,000 shall be used for the 25668
Marblehead Lighthouse State Park - Replica Life Boat Station, 25669
\$25,000 shall be used for the Village of Attica Park Maintenance, 25670
\$20,000 shall be used for the Village of Stockport Park 25671
improvements, \$15,000 shall be used for the Village of Salineville 25672
Baseball Field, \$15,000 shall be used for the City of Parma 25673
Greenbriar Commons Park Walking Trail, \$10,000 shall be used for 25674
the Village of Albany Bike Paths, \$10,000 shall be used for the 25675
Salem Park Board, \$10,000 shall be used for the Village of Pomeroy 25676
Mini Park improvements, \$10,000 shall be used for the Skyvue 25677
Outdoor Classroom, and \$6,000 shall be used for the Wadsworth 25678
Skate Park. 25679

Section 235.11. For the appropriations in Section 235.10 of 25680
this act, the Department of Natural Resources shall periodically 25681
prepare and submit to the Director of Budget and Management the 25682
estimated design, planning, and engineering costs of 25683

capital-related work to be done by the Department for each 25684
project. Based on the estimates, the Director of Budget and 25685
Management may release appropriations from the foregoing 25686
appropriation item C725E6, Project Planning, within the Parks and 25687
Recreation Improvement Fund (Fund 7035), to pay for design, 25688
planning, and engineering costs incurred by the Department for the 25689
projects. Upon release of the appropriations by the Director of 25690
Budget and Management, the Department shall pay for these expenses 25691
from the Parks Capital Expenses Fund (Fund 2270), and shall be 25692
reimbursed from the Parks and Recreation Improvement Fund (Fund 25693
7035) using an intrastate voucher. 25694

Section 235.12. The Treasurer of State is hereby authorized 25695
to issue and sell, in accordance with Section 2i of Article VIII, 25696
Ohio Constitution, and Chapter 154. of the Revised Code, 25697
particularly section 154.22 of the Revised Code, original 25698
obligations in an aggregate principal amount not to exceed 25699
\$41,000,000, in addition to the original issuance of obligations 25700
heretofore authorized by prior acts of the General Assembly. These 25701
authorized obligations shall be issued, subject to applicable 25702
constitutional and statutory limitations, to pay the costs of 25703
capital facilities for parks and recreation as defined in section 25704
154.01 of the Revised Code. 25705

Section 235.13. (A) No capital improvement appropriations 25706
made in Section 235.10 of this act shall be released for planning 25707
or for improvement, renovation, or construction or acquisition of 25708
capital facilities if a governmental agency, as defined in section 25709
154.01 of the Revised Code, does not own the real property that 25710
constitutes the capital facilities or on which the capital 25711
facilities are or will be located. This restriction does not apply 25712
in any of the following circumstances: 25713

(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 for parks and recreation 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 Natural Resources, 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, as 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; and

(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. 25745

Section 237.10. The items set forth in this section are 25746
hereby appropriated out of any moneys in the state treasury to the 25747
credit of the State Capital Improvements Fund (Fund 7038) that are 25748
not otherwise appropriated. 25749

Appropriations

PWC PUBLIC WORKS COMMISSION		25750
C15000	Local Public Infrastructure	\$ 120,000,000 25751
Total Public Works Commission		\$ 120,000,000 25752
TOTAL State Capital Improvements Fund		\$ 120,000,000 25753

The foregoing appropriation item C15000, Local Public 25754
Infrastructure, shall be used in accordance with sections 164.01 25755
to 164.12 of the Revised Code. The Director of the Public Works 25756
Commission may certify to the Director of Budget and Management 25757
that a need exists to appropriate investment earnings to be used 25758
in accordance with sections 164.01 to 164.12 of the Revised Code. 25759
If the Director of Budget and Management determines pursuant to 25760
division (D) of section 164.08 and section 164.12 of the Revised 25761
Code that investment earnings are available to support additional 25762
appropriations, such amounts are hereby appropriated. 25763

If the Public Works Commission receives refunds due to 25764
project overpayments that are discovered during a post-project 25765
audit, the Director of the Public Works Commission may certify to 25766
the Director of Budget and Management that refunds have been 25767
received. In certifying the refunds, the Director of the Public 25768
Works Commission shall provide the Director of Budget and 25769
Management information on the project refunds. The certification 25770
shall detail by project the source and amount of project 25771
overpayments received and include any supporting documentation 25772
required or requested by the Director of Budget and Management. 25773
Upon receipt of the certification, the Director of Budget and 25774

Management shall determine if the project refunds are necessary to support existing appropriations. If the project refunds are available to support additional appropriations, these amounts are hereby appropriated to appropriation item C15030, Revolving Loan.

Section 237.11. The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2p of Article VIII, Ohio Constitution, and sections 151.01 and 151.08 of the Revised Code, original obligations of the state, in an aggregate principal amount not to exceed \$120,000,000, in addition to the original obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued and sold from time to time and in amounts necessary to ensure sufficient moneys to the credit of the State Capital Improvements Fund (Fund 7038) to pay costs of capital improvement projects of local subdivisions.

Section 239.10. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Clean Ohio Conservation Fund (Fund 7056) that are not otherwise appropriated.

		Appropriations	
PWC PUBLIC WORKS COMMISSION			25794
C15060	Clean Ohio Conservation	\$ 30,000,000	25795
Total Public Works Commission		\$ 30,000,000	25796
TOTAL Clean Ohio Conservation Fund		\$ 30,000,000	25797

The foregoing appropriation item C15060, Clean Ohio Conservation, shall be used in accordance with sections 164.20 to 164.27 of the Revised Code. If the Public Works Commission receives refunds due to project overpayments that are discovered during the post-project audit, the Director of the Public Works Commission may certify to the Director of Budget and Management that refunds have been received. If the Director of Budget and

Management determines that the project refunds are available to 25805
support additional appropriations, such amounts are hereby 25806
appropriated. 25807

Section 241.10. The items set forth in this section are 25808
hereby appropriated out of any moneys in the state treasury to the 25809
credit of the Clean Ohio Agricultural Easement Fund (Fund 7057) 25810
that are not otherwise appropriated. 25811

Appropriations

AGR DEPARTMENT OF AGRICULTURE 25812
C70009 Clean Ohio Agricultural Easements \$ 5,000,000 25813
Total Department of Agriculture \$ 5,000,000 25814
TOTAL Clean Ohio Agricultural Easement Fund \$ 5,000,000 25815

Section 243.10. The items set forth in this section are 25817
hereby appropriated out of any moneys in the state treasury to the 25818
credit of the Clean Ohio Trail Fund (Fund 7061) that are not 25819
otherwise appropriated. 25820

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 25821
C72514 Clean Ohio Trail - Grants \$ 5,000,000 25822
Total Department of Natural Resources \$ 5,000,000 25823
TOTAL Clean Ohio Trail Fund \$ 5,000,000 25824

Section 243.11. The Ohio Public Facilities Commission is 25826
hereby authorized to issue and sell, in accordance with Section 2o 25827
of Article VIII, Ohio Constitution, and pursuant to sections 25828
151.01 and 151.09 of the Revised Code, original obligations of the 25829
state in an aggregate principal amount not to exceed \$40,000,000 25830
in addition to the original issuance of obligations heretofore 25831
authorized by prior acts of the General Assembly. These authorized 25832
obligations shall be issued and sold from time to time, subject to 25833
applicable constitutional and statutory limitations, as needed to 25834

ensure sufficient moneys to the credit of the Clean Ohio
Conservation Fund (Fund 7056), the Clean Ohio Agricultural
Easement Fund (Fund 7057), and the Clean Ohio Trail Fund (Fund
7061) to pay costs of conservation projects.

Section 245.10. Notwithstanding any provision of law to the
contrary, the Director of Budget and Management, with the written
concurrence of the Director of Public Safety, may transfer cash
temporarily from the Highway Safety Fund (Fund 7036) to the
Highway Safety Building Fund (Fund 7025), and the cash may be used
to fund projects previously appropriated by acts of the General
Assembly. The transfers shall be made for the purpose of providing
cash to support appropriations or encumbrances that exist on the
effective date of this section. At such time as obligations are
issued for Highway Safety Building Fund projects, the Director of
Budget and Management shall transfer from the Highway Safety
Building Fund to the Highway Safety Fund any amounts originally
transferred to the Highway Safety Building Fund under this
section.

Section 247.10. CERTIFICATION OF AVAILABILITY OF MONEYS

Moneys that require release shall not be expended from any
appropriation contained in this act without certification of the
Director of Budget and Management that there are sufficient moneys
in the state treasury in the fund from which the appropriation is
made. Such certification shall be based on estimates of revenue,
receipts, and expenses. Nothing in this section limits the
authority granted to the Director of Budget and Management in
section 126.07 of the Revised Code.

Section 249.10. LIMITATION ON USE OF CAPITAL APPROPRIATIONS

The appropriations made in this act, excluding those made to

the State Capital Improvement Fund (Fund 7038) and the State 25864
Capital Improvements Revolving Loan Fund (Fund 7040) for buildings 25865
or structures, including remodeling and renovations, are limited 25866
to: 25867

(A) Acquisition of real property or interests in real 25868
property; 25869

(B) Buildings and structures, which include construction, 25870
demolition, complete heating, lighting and lighting fixtures, all 25871
necessary utilities, and ventilating, plumbing, sprinkling, and 25872
sewer systems, when such systems are authorized or necessary; 25873

(C) Architectural, engineering, and professional services 25874
expenses directly related to the projects; 25875

(D) Machinery that is a part of structures at the time of 25876
initial acquisition or construction; 25877

(E) Acquisition, development, and deployment of new computer 25878
systems, including the redevelopment or integration of existing 25879
and new computer systems, but excluding regular or ongoing 25880
maintenance or support agreements; 25881

(F) Equipment that meets all the following criteria: 25882

(1) The equipment is essential in bringing the facility up to 25883
its intended use; 25884

(2) The unit cost of the equipment, and not the individual 25885
parts of a unit, is about \$100 or more; 25886

(3) The equipment has a useful life of five years or more; 25887
and 25888

(4) The equipment is necessary for the functioning of the 25889
particular facility or project. 25890

Equipment shall not be paid for from these appropriations 25891
that is not an integral part of or directly related to the basic 25892
purpose or function of a project for which moneys are 25893

appropriated. This paragraph does not apply to appropriation items 25894
specifically for equipment. 25895

Section 251.10. CONTINGENCY RESERVE REQUIREMENT 25896

Any request for release of capital appropriations by the 25897
Director of Budget and Management or the Controlling Board of 25898
capital appropriations for projects, the contracts for which are 25899
awarded by the Department of Administrative Services, shall 25900
contain a contingency reserve, the amount of which shall be 25901
determined by the Department of Administrative Services, for 25902
payment of unanticipated project expenses. Any amount deducted 25903
from the encumbrance for a contractor's contract as an assessment 25904
for liquidated damages shall be added to the encumbrance for the 25905
contingency reserve. Contingency reserve funds shall be used to 25906
pay costs resulting from unanticipated job conditions, to comply 25907
with rulings regarding building and other codes, to pay costs 25908
related to errors or omissions in contract documents, to pay costs 25909
associated with changes in the scope of work, and to pay the cost 25910
of settlements and judgments related to the project. 25911

Any funds remaining upon completion of a project may, upon 25912
approval of the Controlling Board, be released for the use of the 25913
agency or instrumentality to which the appropriation was made for 25914
other capital facilities projects. 25915

Section 253.10. AGENCY ADMINISTRATION OF CAPITAL FACILITIES 25916
PROJECTS 25917

Notwithstanding sections 123.01 and 123.15 of the Revised 25918
Code, the Director of Administrative Services may authorize the 25919
Departments of Mental Health, Mental Retardation and Developmental 25920
Disabilities, Agriculture, Job and Family Services, Rehabilitation 25921
and Correction, Youth Services, Public Safety, Transportation, and 25922
the Ohio Veterans' Home to administer any capital facilities 25923

projects, the estimated cost of which, including design fees, 25924
construction, equipment, and contingency amounts, is less than 25925
\$1,500,000. Requests for authorization to administer capital 25926
facilities projects shall be made in writing to the Director of 25927
Administrative Services by the applicable state agency within 25928
sixty days after the effective date of the section of law in which 25929
the General Assembly initially makes an appropriation for the 25930
project. Upon the release of funds for the projects by the 25931
Controlling Board or the Director of Budget and Management, the 25932
agency may administer the capital project or projects for which 25933
agency administration has been authorized without the supervision, 25934
control, or approval of the Director of Administrative Services. 25935

A state agency authorized by the Director of Administrative 25936
Services to administer capital facilities projects pursuant to 25937
this section shall comply with the applicable procedures and 25938
guidelines established in Chapter 153. of the Revised Code. 25939

Section 255.10. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 25940
AGAINST THE STATE 25941

Except as otherwise provided in this section, an 25942
appropriation contained in this act or in any other act may be 25943
used for the purpose of satisfying judgments, settlements, or 25944
administrative awards ordered or approved by the Court of Claims 25945
or by any other court of competent jurisdiction in connection with 25946
civil actions against the state. This authorization does not apply 25947
to appropriations that are to be applied to or used for payment of 25948
guarantees by or on behalf of the state, or for payments under 25949
lease agreements relating to or debt service on bonds, notes, or 25950
other obligations of the state. Notwithstanding any other section 25951
of law to the contrary, this authorization includes appropriations 25952
from funds into which proceeds or direct obligations of the state 25953
are deposited only to the extent that the judgment, settlement, or 25954

administrative award is for or represents capital costs for which 25955
the appropriation may otherwise be used and is consistent with the 25956
purpose for which any related obligations were issued or entered 25957
into. Nothing contained in this section is intended to subject the 25958
state to suit in any forum in which it is not otherwise subject to 25959
suit, and it is not intended to waive or compromise any defense or 25960
right available to the state in any suit against it. 25961

Section 257.10. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET 25962
AND MANAGEMENT 25963

Notwithstanding section 126.14 of the Revised Code, 25964
appropriations for appropriation item C50101, Community-Based 25965
Correctional Facilities, appropriated from the Adult Correctional 25966
Building Fund (Fund 7027) to the Department of Rehabilitation and 25967
Correction, shall be released upon the written approval of the 25968
Director of Budget and Management. The appropriations from the 25969
Public School Building Fund (Fund 7021) and the School Building 25970
Program Assistance Fund (Fund 7032) to the School Facilities 25971
Commission, from the Clean Ohio Conservation Fund (Fund 7056), the 25972
State Capital Improvement Fund (Fund 7038), and the State Capital 25973
Improvements Revolving Loan Fund (Fund 7040) to the Public Works 25974
Commission, shall be released upon presentation of a request to 25975
release the funds, by the agency to which the appropriation has 25976
been made, to the Director of Budget and Management. 25977

Section 259.10. PREVAILING WAGE REQUIREMENT 25978

Except as provided in section 4115.04 of the Revised Code, 25979
moneys appropriated or reappropriated by the 127th General 25980
Assembly shall not be used for the construction of public 25981
improvements, as defined in section 4115.03 of the Revised Code, 25982
unless the mechanics, laborers, or workers engaged therein are 25983
paid the prevailing rate of wages prescribed in section 4115.04 of 25984

the Revised Code. Nothing in this section affects the wages and 25985
salaries established for state employees under Chapter 124. of the 25986
Revised Code, or collective bargaining agreements entered into by 25987
the state under Chapter 4117. of the Revised Code, while engaged 25988
on force account work, nor does this section interfere with the 25989
use of inmate and patient labor by the state. 25990

Section 261.10. CAPITAL FACILITIES LEASES 25991

Capital facilities for which appropriations are made from the 25992
Highway Safety Building Fund (Fund 7025), the Administrative 25993
Building Fund (Fund 7026), the Adult Correctional Building Fund 25994
(Fund 7027), and the Juvenile Correctional Building Fund (Fund 25995
7028) may be leased by the Ohio Building Authority to the 25996
Department of Public Safety, the Department of Youth Services, the 25997
Department of Administrative Services, and the Department of 25998
Rehabilitation and Correction, and other agreements may be made by 25999
the Ohio Building Authority and the departments with respect to 26000
the use or purchase of such capital facilities, or, subject to the 26001
approval of the director of the department or the commission, the 26002
Ohio Building Authority may lease the capital facilities to, and 26003
make other agreements with respect to the use or purchase of the 26004
capital facilities with, any governmental agency or nonprofit 26005
corporation having authority under law to own, lease, or operate 26006
the capital facilities. The director of the department or the 26007
commission may sublease the capital facilities to, and make other 26008
agreements with respect to the use or purchase of the capital 26009
facilities with, any such governmental agency or nonprofit 26010
corporation, which agreements may include provisions for 26011
transmittal of receipts of the agency or nonprofit corporation of 26012
any charges for the use of the facilities, all upon such terms and 26013
conditions as the parties may agree upon and subject to any other 26014
provision of law affecting the leasing, acquisition, or 26015
disposition of capital facilities by the parties. 26016

Section 263.10. AUTHORIZATION OF THE DIRECTOR OF BUDGET AND 26017
MANAGEMENT 26018

The Director of Budget and Management shall authorize both of 26019
the following: 26020

(A) The initial release of moneys for projects from the funds 26021
into which proceeds of direct obligations of the state are 26022
deposited; and 26023

(B) The expenditure or encumbrance of moneys from funds into 26024
which proceeds of direct obligations are deposited, but only after 26025
determining to the director's satisfaction that either of the 26026
following applies: 26027

(1) The application of the moneys to the particular project 26028
will not negatively affect any exemption or exclusion from federal 26029
income tax of the interest or interest equivalent on obligations 26030
issued to provide moneys to the particular fund. 26031

(2) Moneys for the project will come from the proceeds of 26032
obligations, the interest on which is not so excluded or exempt 26033
and which have been authorized as "taxable obligations" by the 26034
issuing authority. 26035

The director shall report any nonrelease of moneys pursuant 26036
to this section to the Governor, to the Speaker of the House of 26037
Representatives, to the President of the Senate, and to the agency 26038
for the use of which the project is intended. 26039

Section 265.10. SCHOOL FACILITIES ENCUMBRANCES AND 26040
REAPPROPRIATION 26041

At the request of the Executive Director of the Ohio School 26042
Facilities Commission, the Director of Budget and Management may 26043
cancel encumbrances for school district projects from a previous 26044
biennium if the district has not raised its local share of project 26045

costs within one year after receiving Controlling Board approval 26046
in accordance with section 3318.05 of the Revised Code. The 26047
Executive Director of the Ohio School Facilities Commission shall 26048
certify the amounts of these canceled encumbrances to the Director 26049
of Budget and Management on a quarterly basis. The amounts of the 26050
canceled encumbrances are hereby appropriated. 26051

Section 267.10. CERTIFICATE OF NEED REQUIREMENT 26052

An appropriation for a health care facility authorized under 26053
this act may not be released until the requirements of sections 26054
3702.51 to 3702.62 of the Revised Code have been met. 26055

Section 269.10. DISTRIBUTION OF PROCEEDS FROM ASBESTOS 26056
ABATEMENT LITIGATION 26057

All proceeds received by the state as a result of litigation, 26058
judgments, settlements, or claims, filed by or on behalf of any 26059
state agency, as defined by section 1.60 of the Revised Code, or 26060
state-supported or state-assisted institution of higher education, 26061
for damages or costs resulting from the use, removal, or hazard 26062
abatement of asbestos materials shall be deposited in the Asbestos 26063
Abatement Distribution Fund (Fund 6740). All funds deposited into 26064
the Asbestos Abatement Distribution Fund are hereby appropriated 26065
to the Attorney General. To the extent practicable, the proceeds 26066
placed in the Asbestos Abatement Distribution Fund shall be 26067
divided among the state agencies and state-supported or 26068
state-assisted institutions of higher education in accordance with 26069
the general provisions of the litigation regarding the percentage 26070
of recovery. Distribution of the proceeds to each state agency or 26071
state-supported or state-assisted institution of higher education 26072
shall be made in accordance with the Asbestos Abatement 26073
Distribution Plan to be developed by the Attorney General, the 26074
General Services Division within the Department of Administrative 26075

Services, and the Office of Budget and Management. 26076

In those circumstances where asbestos litigation proceeds are 26077
for reimbursement of expenditures made with funds outside the 26078
state treasury or damages to buildings not constructed with state 26079
appropriations, direct payments shall be made to the affected 26080
institutions of higher education. Any proceeds received for 26081
reimbursement of expenditures made with funds within the state 26082
treasury or damages to buildings occupied by state agencies shall 26083
be distributed to the affected agencies with an intrastate 26084
transfer voucher to the funds identified in the Asbestos Abatement 26085
Distribution Plan. 26086

These proceeds shall be used for additional asbestos 26087
abatement or encapsulation projects, or for other capital 26088
improvements, except that proceeds distributed to the General 26089
Revenue Fund and other funds that are not bond improvement funds 26090
may be used for any purpose. The Controlling Board may, for bond 26091
improvement funds, create appropriation items or increase 26092
appropriation authority in existing appropriation items equaling 26093
the amount of the proceeds. The amounts approved by the 26094
Controlling Board are hereby appropriated. The proceeds deposited 26095
in bond improvement funds shall not be expended until released by 26096
the Controlling Board, which shall require certification by the 26097
Director of Budget and Management that the proceeds are sufficient 26098
and available to fund the additional anticipated expenditures. 26099

Section 271.10. OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE 26100
REVISED CODE 26101

The capital improvements for which appropriations are made in 26102
this act from the Third Frontier Research and Development Fund 26103
(Fund 7011), the Job Ready Site Development Fund (Fund 7012), the 26104
Ohio Parks and Natural Resources Fund (Fund 7031), the School 26105
Building Program Assistance Fund (Fund 7032), the Higher Education 26106

Improvement Fund (Fund 7034), the State Capital Improvements Fund 26107
(Fund 7038), the Clean Ohio Conservation Fund (Fund 7056), the 26108
Clean Ohio Agricultural Easement Fund (Fund 7057), and the Clean 26109
Ohio Trail Fund (Fund 7061) are determined to be capital 26110
improvements and capital facilities for research and development, 26111
preparation of sites, natural resources, a statewide system of 26112
common schools, state-supported and state-assisted institutions of 26113
higher education, local subdivision capital improvement projects, 26114
and conservation purposes (under the Clean Ohio Program) and are 26115
designated as capital facilities to which proceeds of obligations 26116
issued under Chapter 151. of the Revised Code are to be applied. 26117
26118

Section 273.10. OBLIGATIONS ISSUED UNDER CHAPTER 152. OF THE 26119
REVISED CODE 26120

The capital improvements for which appropriations are made in 26121
this act from the Highway Safety Building Fund (Fund 7025), the 26122
Administrative Building Fund (Fund 7026), the Adult Correctional 26123
Building Fund (Fund 7027), the Juvenile Correctional Building Fund 26124
(Fund 7028), and the Transportation Building Fund (Fund 7029) are 26125
determined to be capital improvements and capital facilities for 26126
housing state agencies and branches of state government and are 26127
designated as capital facilities to which proceeds of obligations 26128
issued under Chapter 152. of the Revised Code are to be applied. 26129

Section 273.20. OBLIGATIONS ISSUED UNDER CHAPTER 154. OF THE 26130
REVISED CODE 26131

The capital improvements for which appropriations are made in 26132
this act from the Cultural and Sports Facilities Building Fund 26133
(Fund 7030), the Mental Health Facilities Improvement Fund (Fund 26134
7033), and the Parks and Recreation Improvement Fund (Fund 7035) 26135
are determined to be capital improvements and capital facilities 26136

for housing state agencies and branches of government, mental 26137
hygiene and retardation, and parks and recreation and are 26138
designated as capital facilities to which proceeds of obligations 26139
issued under Chapter 154. of the Revised Code are to be applied. 26140

Section 275.10. TRANSFER OF OPEN ENCUMBRANCES 26141

Upon the request of the agency to which a capital project 26142
appropriation item is appropriated, the Director of Budget and 26143
Management may transfer open encumbrance amounts between separate 26144
encumbrances for the project appropriation item to the extent that 26145
any reductions in encumbrances are agreed to by the contracting 26146
vendor and the agency. 26147

Section 277.10. LITIGATION PROCEEDS TO THE ADMINISTRATIVE 26148
BUILDING FUND 26149

Any proceeds received by the state as the result of 26150
litigation or a settlement agreement related to any liability for 26151
the planning, design, engineering, construction, or construction 26152
management of facilities operated by the Department of 26153
Administrative Services shall be deposited into the Administrative 26154
Building Fund (Fund 7026). 26155

Section 279.10. COAL RESEARCH AND DEVELOPMENT BONDS 26156

The Ohio Public Facilities Commission, upon the request of 26157
the Director of the Ohio Coal Development Office with the advice 26158
of the Technical Advisory Committee created in section 1551.35 of 26159
the Revised Code and with the approval of the Director of the Air 26160
Quality Development Authority, is hereby authorized to issue and 26161
sell, in accordance with Section 15 of Article VIII, Ohio 26162
Constitution, and Chapter 151. of the Revised Code, and 26163
particularly sections 151.01 and 151.07 and other applicable 26164
sections of the Revised Code, bonds or other obligations of the 26165

state heretofore authorized by prior acts of the General Assembly. 26166
The obligations shall be issued, subject to applicable 26167
constitutional and statutory limitations, to provide sufficient 26168
moneys to the credit of the Coal Research and Development Fund 26169
created in section 1555.15 of the Revised Code to pay costs 26170
charged to the fund when due as estimated by the Director of the 26171
Ohio Coal Development Office. 26172

Section 281.10. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 26173

The Ohio Administrative Knowledge System (OAKS) shall be an 26174
enterprise resource planning system that replaces the state's 26175
central services infrastructure systems, including the Central 26176
Accounting System, the Human Resources/Payroll System, the Capital 26177
Improvements Projects Tracking System, the Fixed Assets Management 26178
System, and the Procurement System. The Department of 26179
Administrative Services, in conjunction with the Office of Budget 26180
and Management, may acquire the system, including, but not limited 26181
to, the enterprise resource planning software and installation and 26182
implementation thereof, pursuant to Chapter 125. of the Revised 26183
Code. Any lease-purchase arrangement utilized under Chapter 125. 26184
of the Revised Code, including any fractionalized interest therein 26185
as defined in division (N) of section 133.01 of the Revised Code, 26186
shall provide at the end of the lease period that OAKS shall 26187
become the property of the state. 26188

Section 283.10. Sections of this act prefixed with a section 26189
number in the 200s are and remain in full force and effect 26190
commencing on July 1, 2008, and terminating on June 30, 2010, for 26191
the purpose of drawing money from the state treasury in payment of 26192
liabilities lawfully incurred under those sections, and on June 26193
30, 2010, and not before, the moneys hereby appropriated lapse 26194
into the funds from which they are severally appropriated. If, 26195
under Section 1c of Article II, Ohio Constitution, the sections of 26196

this act prefixed with a section number in the 200s do not take 26197
effect until after July 1, 2008, the sections are and remain in 26198
full force and effect commencing on that effective date. 26199
26200

Section 503.10. GENERAL OBLIGATIONS ADJUSTMENTS TO REFLECT 26201
TOBACCO SECURITIZATION 26202

In accordance with divisions (A)(5) and (6) of Section 518.03 26203
of H.B. 119 of the 127th General Assembly, the existing 26204
authorizations granted in prior acts of the General Assembly to 26205
issue and sell obligations under Section 2n of Article VIII, Ohio 26206
Constitution, to pay costs of facilities for (1) a system of 26207
common schools throughout the state is hereby reduced from 26208
\$4,145,000,000 to \$3,345,000,000, and (2) state-supported and 26209
state-assisted institutions of higher education is hereby reduced 26210
from \$2,957,000,000 to \$2,007,000,000. 26211

Section 503.20. OHIO DENTAL LOAN REPAYMENT PROGRAM 26212

On July 1, 2008, or as soon as possible thereafter, the 26213
Director of Budget and Management shall cancel any existing 26214
encumbrances against the Board of Regents' appropriation item 26215
235624, Ohio Dental Loan Repayment, and re-establish them against 26216
the Department of Health's appropriation item 440624, Ohio Dental 26217
Loan Repayment. The amounts of the re-established encumbrances are 26218
hereby appropriated. 26219

On July 1, 2008, or as soon as possible thereafter, the 26220
Chancellor of the Board of Regents shall certify to the Director 26221
of Budget and Management the amount of cash and any outstanding 26222
encumbrances for the Dental Loan Repayment Program remaining in 26223
the National Health Services Corps - Ohio Loan Repayment Fund 26224
(Fund 3T00). The Director of Budget and Management shall transfer 26225
this amount in cash from the National Health Services Corps - Ohio 26226

Loan Repayment Fund (Fund 3T00) to the Federal Public Health 26227
Programs Fund (Fund 3920). In addition, the Director of Budget and 26228
Management shall cancel the outstanding Dental Loan Repayment 26229
Program encumbrances in the National Health Services Corps - Ohio 26230
Loan Repayment Fund (Fund 3T00) and re-establish these 26231
encumbrances in the Federal Public Health Programs Fund (Fund 26232
3920). The amounts of the re-established encumbrances are hereby 26233
appropriated. 26234

On and after the effective date of this section, 26235
administration of the Dental Loan Repayment Program is the 26236
responsibility of the Department of Health. 26237

Section 503.30. OHIO PHYSICIAN LOAN REPAYMENT PROGRAM 26238

On July 1, 2008, the Director of Budget and Management shall 26239
cancel any existing encumbrances against appropriation item 26240
235604, Physician Loan Repayment, and re-establish them against 26241
appropriation item 440628, Ohio Physician Loan Repayment. The 26242
amounts of the re-established encumbrances are hereby 26243
appropriated. 26244

On and after the effective date of this section, 26245
administration of the Physician Loan Repayment Program is the 26246
responsibility of the Department of Health. 26247

Section 515.10. SCHOOL FACILITIES COMMISSION REIMBURSEMENT 26248
FROM PROCEEDS OF TOBACCO SETTLEMENT BONDS 26249

Prior to January 1, 2009, the Executive Director of the Ohio 26250
School Facilities Commission shall report to the Director of 26251
Budget and Management the amount of funds expended between 26252
September 1, 2007, and June 30, 2008, from the Education 26253
Facilities Trust Fund (Fund N087) and from the Public School 26254
Building Fund (Fund 7021) that were eligible to be financed from 26255
the proceeds of the tax-exempt tobacco settlement bonds issued 26256

pursuant to section 183.51 of the Revised Code and were deposited 26257
into the School Building Program Assistance Fund (Fund 7032). Upon 26258
receipt of the report, the Director of Budget and Management may 26259
transfer cash, in the amount reported, from the tobacco settlement 26260
bond proceeds to each of the funds. Appropriations for the funds 26261
are hereby adjusted by the amounts of the cash transfers. 26262
26263

Section 515.20. CORRECTIVE CASH TRANSFER 26264

On the effective date of this section, or as soon as possible 26265
thereafter, the Director of Budget and Management may transfer 26266
\$34,549.45 in cash from the Coal Research and Development Bond 26267
Services Fund (Fund 7076) into the Coal Research and Development 26268
Fund (Fund 7046) to correct deposits that were mistakenly 26269
deposited into the Coal Research and Development Bond Services 26270
Fund (Fund 7076). 26271

Section 515.21. CORRECTIVE CASH TRANSFER 26272

On the effective date of this section, or as soon as possible 26273
thereafter, the Director of Budget and Management may transfer 26274
\$5,538.11 in cash from the Coal Research and Development Fund 26275
(Fund 7046) into the Coal Research and Development Bond Services 26276
Fund (Fund 7076) to correct deposits that were mistakenly 26277
deposited into the Coal Research and Development Fund (Fund 7046). 26278

Section 515.30. TRANSFER FROM THE GENERAL REIMBURSEMENT FUND 26279
TO THE PUBLIC HEALTH PRIORITY TRUST FUND 26280

Notwithstanding any provision of law to the contrary, on July 26281
1, 2008, or as soon as possible thereafter, the Director of Budget 26282
and Management shall transfer \$950,000 cash from the General 26283
Reimbursement Fund (Fund 1060) to the Public Health Priority Trust 26284
Fund (Fund L087). The amount transferred is hereby appropriated to 26285

appropriation item 440-432, Pneumococcal Vaccines for Children, in 26286
the Department of Health. 26287

Section 515.40. BUDGET STABILIZATION FUND TRANSFERS 26288

The Director of Budget and Management has directed the 26289
following agencies to reduce spending in the following General 26290
Revenue Fund appropriation items. Amounts listed in the first 26291
column are the reductions for fiscal year 2008 and amounts listed 26292
in the second column are the reductions for fiscal year 2009. 26293

Department of Agriculture 26294

700-403 Animal Disease \$ 36,540 \$ 182,702 26295
Control

700-410 Food Safety \$ 8,651 \$ 43,255 26296

Department of Health 26297

440-407 Animal Borne Disease \$ 80,000 \$ 40,000 26298
and Prevention

440-418 Immunization \$ 80,000 \$ 40,000 26299

Department of Rehabilitation and Correction 26300

503-321 Parole and Community \$ 1,327,100 \$ 5,433,321 26301
Operations

Department of Education 26302

200-503 Bus Purchase \$ 5,128,138 \$ 676,200 26303
Allowance

Department of Job and Family Services 26304

600-502 Child Support Match \$ 0 \$ 3,401,410 26305

Rehabilitation Services Commission 26306

415-431 Office of People with \$ 22,601 \$ 22,601 26307
Brain Injury

Ohio School for the Blind 26308

226-100 Personal Services \$ 354,656 \$ 375,966 26309

Ohio School for the Deaf 26310
221-100 Personal Services \$ 438,768 \$ 463,193 26311

The Director of Budget and Management shall transfer 26312
\$7,476,454 cash in fiscal year 2008 and \$10,678,648 cash in fiscal 26313
year 2009 from the Budget Stabilization Fund to the General 26314
Revenue Fund to ensure the full amounts appropriated in Am. Sub. 26315
H.B. 119 of the 127th General Assembly to each of the foregoing 26316
appropriation items are available to the agencies for expenditure. 26317
26318

Section 610.10. That Sections 315.10 and 555.19 of Am. Sub. 26319
H.B. 67 of the 127th General Assembly be amended to read as 26320
follows: 26321

Sec. 315.10. OHIO TURNPIKE COMMISSION NOISE MITIGATION PILOT 26322
PROJECT 26323

~~There is hereby created the Community Resolution Fund, which~~ 26324
~~shall be in the custody of the Treasurer of State but shall not be~~ 26325
~~part of the state treasury.~~ Notwithstanding any other provision of 26326
law to the contrary, ~~on the first day of July in each of 2007 and~~ 26327
~~2008, or as soon as practicable thereafter in each of those years,~~ 26328
~~the Treasurer of State shall transfer cash in the amount of~~ 26329
\$250,000 the Department of Transportation shall enter into an 26330
agreement on a reimbursement basis with the Ohio Turnpike 26331
Commission for up to \$500,000 from the Highway Operating Fund 26332
~~(Fund 002) to the Community Resolution Fund. The Treasurer of~~ 26333
~~State~~ Under the agreement, the Department of Transportation shall 26334
pay up to \$250,000 from the fund early in fiscal year 2008 and up 26335
to \$250,000 early from the fund in fiscal year 2009 to the Ohio 26336
Turnpike Commission, which shall use the money for the study and 26337
pilot program required by ~~the~~ this section. 26338

The Ohio Turnpike Commission shall perform a study of noise 26339

impact mitigation methods or techniques that may be used as an 26340
alternative to traditional sound barriers on the turnpike project. 26341
The study shall examine the viability of alternative noise impact 26342
mitigation methods or techniques that may be installed to 26343
alleviate traffic noise that is in excess of the criteria 26344
contained in the Ohio Department of Transportation's "Standard 26345
Procedures for the Analysis and Abatement of Highway Traffic 26346
Noise." After completing the study, but before ~~June 30~~ December 26347
31, 2008, the Ohio Turnpike Commission shall commence a pilot 26348
program utilizing one or more alternative noise impact mitigation 26349
methods or techniques examined in the study, and shall submit a 26350
report containing the results of the pilot program and projected 26351
costs of further implementation to the Turnpike Legislative Review 26352
Committee not later than ~~December~~ June 30, ~~2008~~ 2009. ~~After the~~ 26353
~~fiscal year 2009 payment of \$250,000 is made to the Ohio Turnpike~~ 26354
~~Commission, the Community Resolution Fund is abolished, and the~~ 26355
~~Treasurer of State shall transfer any cash balance that remains~~ 26356
~~credited to that fund to the Highway Operating Fund.~~ 26357

26358
Sec. 555.19. In fiscal year 2008, the Department of 26359
Transportation shall expend at least \$400,000 in the township 26360
having the largest ~~geographic area~~ population according to the 26361
most recent federal decennial census for a pilot program involving 26362
the installation and operation of a system of portable signal 26363
preemption devices. Use of the devices in the pilot program shall 26364
be in accordance with section 4511.031 of the Revised Code. The 26365
Department shall consult with appropriate township officials in 26366
implementing the pilot program. 26367

Section 610.11. That existing Sections 315.10 and 555.19 of 26368
Am. Sub. H.B. 67 of the 127th General Assembly are hereby 26369
repealed. 26370

Section 610.20. That Section 203.50 of Am. Sub. H.B. 67 of 26371
the 127th General Assembly, as amended by Am. Sub. H.B. 119 of the 26372
127th General Assembly, be amended to read as follows: 26373

Sec. 203.50. PUBLIC ACCESS ROADS FOR STATE FACILITIES 26374

Of the foregoing appropriation item 772-421, Highway 26375
Construction - State, \$5,000,000 shall be used in each fiscal year 26376
during the fiscal year 2008-2009 biennium by the Department of 26377
Transportation for the construction, reconstruction, or 26378
maintenance of public access roads, including support features, to 26379
and within state facilities owned or operated by the Department of 26380
Natural Resources. 26381

Notwithstanding section 5511.06 of the Revised Code, of the 26382
foregoing appropriation item 772-421, Highway Construction - 26383
State, \$2,228,000 in each fiscal year of the fiscal year 2008-2009 26384
biennium shall be used by the Department of Transportation for the 26385
construction, reconstruction, or maintenance of park drives or 26386
park roads within the boundaries of metropolitan parks. 26387

Included in the foregoing appropriation item 772-421, Highway 26388
Construction - State, the department may perform related road work 26389
on behalf of the Ohio Expositions Commission at the state 26390
fairgrounds, including reconstruction or maintenance of public 26391
access roads and support features, to and within fairground 26392
facilities as requested by the commission and approved by the 26393
Director of Transportation. 26394

HIGHWAY CONSTRUCTION - FEDERAL 26395

Of the foregoing appropriation item 772-422, Highway 26396
Construction - Federal, \$200,000 in fiscal year 2008 shall be used 26397
for the Cleveland Metropolitan Park District West Creek Project. 26398

PUBLIC SCHOOL ENTRANCE IMPROVEMENTS 26399

Of the foregoing appropriation item 779-491, 26400
Administration-State, \$4,000,000 in fiscal year 2008~~7~~, shall be 26401
used by the Department of Transportation to make grants available 26402
for state highway improvements at public school entrances under 26403
the following conditions: 26404

(A) The school is receiving assistance from the Ohio School 26405
Facilities Commission for the renovation or construction of new 26406
school facilities. 26407

(B) The state highway improvements are to be made at 26408
entrances within school zones. 26409

Grant awards shall be limited to \$500,000 per school 26410
district, and are contingent on local government officials or the 26411
participating school district, or both, matching 25 per cent of 26412
the improvement cost. 26413

LIQUIDATION OF UNFORESEEN LIABILITIES 26414

Any appropriation made to the Department of Transportation, 26415
Highway Operating Fund, not otherwise restricted by law, is 26416
available to liquidate unforeseen liabilities arising from 26417
contractual agreements of prior years when the prior year 26418
encumbrance is insufficient. 26419

Section 610.21. That existing Section 203.50 of Am. Sub. H.B. 26420
67 of the 127th General Assembly, as amended by Am. Sub. H.B. 119 26421
of the 127th General Assembly, is hereby repealed. 26422

Section 610.30. That Sections 210.10 and 512.70 of Am. Sub. 26423
H.B. 100 of the 127th General Assembly be amended to read as 26424
follows: 26425

Sec. 201.10. All items in this section are hereby 26426
appropriated out of any moneys in the state treasury to the credit 26427
of the designated fund. For all appropriations made in ~~this act~~ 26428

<u>Am. Sub. H.B. 100 of the 127th General Assembly</u> , those in the				26429
first column are for fiscal year 2008, and those in the second				26430
column are for fiscal year 2009.				26431
FND AI	AI TITLE	Appropriations		26432
	BWC BUREAU OF WORKERS' COMPENSATION			26433
Workers' Compensation Fund Group				26434
023	855-401	William Green Lease	\$ 20,436,600 \$ 20,686,500	26435
		Payments to OBA		
023	855-407	Claims, Risk & Medical	\$ 140,367,719 \$ 140,367,719	26436
		Management		
023	855-408	Fraud Prevention	\$ 11,772,551 \$ 11,772,551	26437
023	855-409	Administrative	\$ 122,962,388 \$ 122,962,388	26438
		Services		
023	855-410	Attorney General	\$ 4,444,085 \$ 4,444,085	26439
		Payments		
822	855-606	Coal Workers' Fund	\$ 91,894 \$ 91,894	26440
823	855-608	Marine Industry	\$ 53,952 \$ 53,952	26441
825	855-605	Disabled Workers	\$ 488,282 \$ 492,500	26442
		Relief Fund		
826	855-609	Safety & Hygiene	\$ 20,734,750 \$ 20,734,750	26443
		Operating		
826	855-610	Safety Grants Program	\$ 4,000,000 \$ 4,000,000	26444
			<u>6,500,000</u>	
829	855-604	Long Term Care Loan	\$ 2,000,000 \$ 2,000,000	26445
		Program		
TOTAL WCF Workers' Compensation				26446
Fund Group				26447
		\$ 327,352,221 \$ 327,606,339	<u>330,106,339</u>	
Federal Special Revenue Fund Group				26448
349	855-601	OSHA Enforcement	\$ 1,604,140 \$ 1,604,140	26449
TOTAL FED Federal Special Revenue				26450

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 Director of Budget and Management shall transfer the remaining cash balance in the Camera Center Fund (Fund R46) to the Administrative Fund (Fund 023). After the transfer, the Camera Center Fund is abolished.

Sec. 512.70. The Administrator of Workers' Compensation shall completely transition from use of the Micro Insurance Reserve Analysis System to a different system or different version of that system to determine the reserves for use in establishing premium rates assessed for the purposes of Chapter 4121., 4123., 4127., or 4131. of the Revised Code on or before ~~June 30~~ July 1, 2008. A contract between the Administrator and a vendor for the System in existence on the effective date of this section shall expire in accordance with the terms of the contract, and the Administrator may renew or extend that contract only for a period of time that does not extend past June 30, 2008.

The Administrator shall transition to a reserve analysis system that is characterized as transparent in nature and for that purpose of transparency, satisfies both of the following criteria:

(A) The manner in which the system uses data can be understood in general terms by employers who are subject to Chapters 4121., 4123., 4127., and 4131. of the Revised Code and other persons interested in use of the system;

(B) The type of data the system uses in making reserve analysis can be explained to employers who are subject to Chapters 4121., 4123., 4127., and 4131. of the Revised Code and other persons interested in use of the system.

The Administrator shall communicate information describing the manner in which the new reserve analysis system uses data and the type of data the system uses in making reserve analysis to employers who are subject to Chapters 4121., 4123., 4127., and 4131. of the Revised Code and to any other persons who request such information.

Section 610.31. That existing Sections 201.10 and 512.70 of Am. Sub. H.B. 100 of the 127th General Assembly are hereby

repealed. 26540

Section 610.40. That Sections 207.20.50, 207.20.70, 26541
207.30.10, 207.30.20, 207.30.30, 235.10, 261.10, 263.10, 26542
263.20.10, 263.30.10, 269.30.30, 269.30.70, 269.40.50, 269.50.30, 26543
275.10, 293.10, 299.10, 309.10, 309.30.13, 309.30.30, 309.30.40, 26544
309.30.41, 309.30.42, 309.40.33, 337.30, 337.30.43, 337.40, 26545
337.40.15, 369.10, 375.10, 379.10, 393.10, 405.10, 407.10, 512.03, 26546
512.35, and 518.03 of Am. Sub. H.B. 119 of the 127th General 26547
Assembly be amended to read as follows: 26548

Sec. 207.20.50. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM 26549

Effective with the implementation of the Multi-Agency Radio 26550
Communications System, the ~~State Chief Information Officer~~ 26551
Department of Administrative Services shall collect user fees from 26552
participants in the system. ~~The~~ Under the direction of the 26553
Director of Administrative Services, the State Chief Information 26554
Officer, with the advice of the Multi-Agency Radio Communications 26555
System Steering Committee and the Director of Budget and 26556
Management, shall determine the amount of the fees and the manner 26557
by which the fees shall be collected. Such user charges shall 26558
comply with the applicable cost principles issued by the federal 26559
Office of Management and Budget. All moneys from user charges and 26560
fees shall be deposited in the state treasury to the credit of the 26561
Multi-Agency Radio Communications System Administration Fund (Fund 26562
5C2), which is hereby established in the state treasury. All 26563
interest income derived from the investment of the fund shall 26564
accrue to the fund. 26565

Sec. 207.20.70. OAKS SUPPORT ORGANIZATION 26566

The foregoing appropriation item 100-635, OAKS Support 26567
Organization, shall be used by the ~~Office of Information~~ 26568

~~Technology~~ Department of Administrative Services to support the 26569
operating costs associated with the implementation and maintenance 26570
of the state's enterprise resource planning system, OAKS, 26571
consistent with its responsibilities under this section and 26572
Chapters 125. and 126. of the Revised Code. The OAKS Support 26573
Organization shall operate and maintain the human capital 26574
management and financial management modules of the state's 26575
enterprise resource planning system to support statewide human 26576
resources and financial management activities administered by the 26577
Department of Administrative Services' human resources division 26578
and the Office of Budget and Management. The OAKS Support 26579
Organization shall recover the costs to establish, operate, and 26580
maintain the OAKS system through intrastate transfer voucher 26581
billings to the Department of Administrative Services and the 26582
Office of Budget and Management. Effective July 1, 2007, the 26583
Department of Administrative Services, with the approval of the 26584
Director of Budget and Management, shall include the recovery of 26585
the costs of administering the human capital management module of 26586
the OAKS System within the human resources services payroll rate. 26587
These revenues shall be deposited to the credit of the Human 26588
Resources Services Fund (Fund 125). Amounts deposited under this 26589
section are hereby appropriated to appropriation item 100-622, 26590
Human Resources Division-Operating. Not less than quarterly, the 26591
Department of Administrative Services shall process the intrastate 26592
transfer billings to transfer cash from the Human Resources 26593
Services Fund (Fund 125) to the OAKS Support Organization Fund 26594
(Fund 5EB) to pay for the OAKS Support Organization costs. 26595

Sec. 207.30.10. CENTRALIZED GATEWAY ENHANCEMENTS FUND 26596

(A) As used in this section, "Ohio Business Gateway" refers 26597
to the internet-based system operated by the ~~Office of Information~~ 26598
~~Technology~~ Department of Administrative Services with the advice 26599
of the Ohio Business Gateway Steering Committee established under 26600

section 5703.57 of the Revised Code. The Ohio Business Gateway is established to provide businesses a central web site where various filings and payments are submitted on-line to government. The information is then distributed to the various government entities that interact with the business community.

(B) As used in this section:

(1) "State Portal" refers to the official web site of the state, operated by the ~~Office of Information Technology~~ Department of Administrative Services.

(2) "Shared Hosting Environment" refers to the computerized system operated by the ~~Office of Information Technology~~ Department of Administrative Services for the purpose of providing capability for state agencies to host web sites.

(C) There is hereby created in the state treasury the Centralized Gateway Enhancements Fund (Fund 5X3). The foregoing appropriation item 100-634, Centralized Gateway Enhancements, shall be used by the ~~Office of Information Technology~~ Department of Administrative Services to pay the costs of enhancing, expanding, and operating the infrastructure of the Ohio Business Gateway, State Portal, and Shared Hosting Environment. ~~The~~ Under the direction of the Director of Administrative Services, the State Chief Information Officer shall submit periodic spending plans to the Director of Budget and Management to justify operating transfers to the fund from the General Revenue Fund. Upon approval, the Director of Budget and Management shall transfer approved amounts to the fund, not to exceed the amount of the annual appropriation in each fiscal year. The spending plans may be based on the recommendations of the Ohio Business Gateway Steering Committee or its successor.

Sec. 207.30.20. MAJOR IT PURCHASES AND CONTRACTS

The Director of Administrative Services shall, on the 26631
effective date of this amendment, replace the Director and Chief 26632
Information Officer of the Office of Information Technology in all 26633
contracts executed pursuant to section 125.18 of the Revised Code 26634
and in matters relating to those contracts. Contracts entered into 26635
prior to the effective date of this amendment shall remain in full 26636
force and effect. 26637

Under the direction of the Director of Administrative 26638
Services, the State Chief Information Officer shall compute the 26639
amount of revenue attributable to the amortization of all 26640
equipment purchases and capitalized systems from appropriation 26641
item 100-607, IT ~~Service~~ Services Delivery; appropriation item 26642
100-617, Major IT Purchases; and appropriation item CAP-837, Major 26643
IT Purchases, which is recovered by the Office of Information 26644
Technology as part of the rates charged by the IT Service Delivery 26645
Fund (Fund 133) created in section 125.15 of the Revised Code. The 26646
Director of Budget and Management may transfer cash in an amount 26647
not to exceed the amount of amortization computed from the IT 26648
Service Delivery Fund (Fund 133) to the Major IT Purchases Fund 26649
(Fund 4N6). 26650

On or before June 30, 2008, any unencumbered amounts of the 26651
foregoing appropriation item 100-607, IT Services Delivery, that 26652
are attributable to implementation of the NextGen Network for 26653
fiscal year 2008 are hereby appropriated for the same purpose for 26654
fiscal year 2009. 26655

Sec. 207.30.30. INFORMATION TECHNOLOGY ASSESSMENT 26656

~~The~~ Under the direction of the Director of Administrative 26657
Services, the State Chief Information Officer, with the approval 26658
of the Director of Budget and Management, may establish an 26659
information technology assessment for the purpose of recovering 26660
the cost of selected infrastructure and statewide programs. Such 26661

assessment shall comply with applicable cost principles issued by 26662
the federal Office of Management and Budget. The information 26663
technology assessment shall be charged to all organized bodies, 26664
offices, or agencies established by the laws of the state for the 26665
exercise of any function of state government except for the 26666
General Assembly, any legislative agency, the Supreme Court, the 26667
other courts of record in Ohio, or any judicial agency, the 26668
Adjutant General, the Bureau of Workers' Compensation, and 26669
institutions administered by a board of trustees. Any state-entity 26670
exempted by this section may utilize the infrastructure or 26671
statewide program by participating in the information technology 26672
assessment. All charges for the information technology assessment 26673
shall be deposited to the credit of the IT Governance Fund (Fund 26674
229). 26675

Sec. 235.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 26676

General Revenue Fund 26677

GRF 874-100 Personal Services	\$	2,057,000	\$	2,057,000	26678
				<u>2,201,612</u>	

GRF 874-320 Maintenance and Equipment	\$	1,085,837	\$	1,080,837	26679
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TOTAL GRF General Revenue Fund	\$	3,142,837	\$	3,137,837	26680
				<u>3,282,449</u>	

General Services Fund Group 26681

4G5 874-603 Capitol Square Education Center and Arts	\$	15,000	\$	15,000	26682
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4S7 874-602 Statehouse Gift Shop/Events	\$	650,484	\$	650,484	26683
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TOTAL GSF General Services 26684

Fund Group	\$	665,484	\$	665,484	26685
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Underground Parking Garage 26686

208 874-601	Underground Parking	\$	2,706,993	\$	2,706,993	26687
	Garage Operations					
TOTAL UPG	Underground Parking					26688
Garage		\$	2,706,993	\$	2,706,993	26689
TOTAL ALL BUDGET FUND GROUPS		\$	6,515,314	\$	6,510,314	26690
					<u>6,654,926</u>	

Sec. 261.10. BDP BOARD OF DEPOSIT 26692

General Services Fund Group						26693
4M2 974-601	Board of Deposit	\$	1,676,000	\$	1,676,000	26694
TOTAL GSF	General Services Fund					26695
Group		\$	1,676,000	\$	1,676,000	26696
TOTAL ALL BUDGET FUND GROUPS		\$	1,676,000	\$	1,676,000	26697

BOARD OF DEPOSIT EXPENSE FUND 26698

Upon receiving certification of expenses from the Treasurer 26699
of State, the Director of Budget and Management shall transfer 26700
cash from the Investment Earnings Redistribution Fund (Fund 608) 26701
to the Board of Deposit Expense Fund (Fund 4M2). The latter fund 26702
shall be used pursuant to section 135.02 of the Revised Code to 26703
pay for any and all necessary expenses of the Board of Deposit or 26704
for banking charges and fees required for the operation of the 26705
State of Ohio Regular Account. 26706

Sec. 263.10. DEV DEPARTMENT OF DEVELOPMENT 26707

General Revenue Fund						26708
GRF 195-401	Thomas Edison Program	\$	19,404,838	\$	17,978,483	26709
GRF 195-404	Small Business	\$	1,740,722	\$	1,792,944	26710
	Development					
GRF 195-405	Minority Business	\$	1,580,291	\$	1,627,700	26711
	Development Division					
GRF 195-407	Travel and Tourism	\$	1,800,000	\$	1,800,000	26712
GRF 195-410	Defense Conversion	\$	5,000,000	\$	0	26713

		Assistance				
GRF	195-412	Rapid Outreach Grants	\$	10,750,000	\$	10,000,000 26714
GRF	195-415	Economic Development	\$	5,894,975	\$	6,071,824 26715
		Division and Regional Offices				
GRF	195-416	Governor's Office of Appalachia	\$	4,746,043	\$	4,746,043 26716
GRF	195-422	Third Frontier Action Fund	\$	18,790,000	\$	16,790,000 26717
GRF	195-426	Clean Ohio Implementation	\$	300,000	\$	309,000 26718
GRF	195-432	International Trade	\$	4,650,501	\$	4,650,501 26719
GRF	195-434	Investment in Training Grants	\$	12,227,500	\$	12,594,325 26720
GRF	195-436	Labor/Management Cooperation	\$	836,225	\$	836,225 26721
GRF	195-497	CDBG Operating Match	\$	1,072,184	\$	1,072,184 26722
GRF	195-498	State Match Energy	\$	96,820	\$	96,820 26723
GRF	195-501	Appalachian Local Development Districts	\$	391,482	\$	391,482 26724
GRF	195-502	Appalachian Regional Commission Dues	\$	254,208	\$	254,208 26725
GRF	195-507	Travel and Tourism Grants	\$	1,130,000	\$	1,115,000 <u>1,165,000</u> 26726
GRF	195-516	Shovel Ready Sites	\$	1,000,000	\$	1,000,000 26727
GRF	195-520	Ohio Main Street Program	\$	750,000	\$	250,000 26728
GRF	195-521	Discover Ohio!	\$	7,182,845	\$	8,182,845 26729
GRF	195-905	Third Frontier Research & Development General Obligation Debt Service	\$	14,349,500	\$	24,523,400 26730

GRF	195-912	Job Ready Site	\$	4,359,400	\$	8,232,500	26731
		Development General					
		Obligation Debt					
		Service					
TOTAL GRF		General Revenue Fund	\$	118,307,534	\$	124,315,484	26732
						<u>124,365,484</u>	
General Services Fund Group							26733
135	195-684	Supportive Services	\$	11,699,404	\$	11,321,444	26734
5AD	195-667	Investment in	\$	2,000,000	\$	0	26735
		Training Expansion					
5AD	195-668	Workforce Guarantee	\$	1,000,000	\$	0	26736
		Program					
5AD	195-677	Economic Development	\$	5,000,000	\$	24,400,000	26737
		Contingency					
5W5	195-690	Travel and Tourism	\$	350,000	\$	350,000	26738
		Cooperative Projects					
5W6	195-691	International Trade	\$	300,000	\$	300,000	26739
		Cooperative Projects					
685	195-636	Direct Cost Recovery	\$	800,000	\$	800,000	26740
		Expenditures					
TOTAL GSF		General Services Fund					26741
Group			\$	21,149,404	\$	37,171,444	26742
Federal Special Revenue Fund Group							26743
3AE	195-643	Workforce Development	\$	5,839,900	\$	5,860,000	26744
		Initiatives					
3BJ	195-685	TANF Heating	\$	45,000,000	\$	15,000,000	26745
		Assistance					
3K8	195-613	Community Development	\$	65,000,000	\$	65,000,000	26746
		Block Grant					
3K9	195-611	Home Energy	\$	110,000,000	\$	110,000,000	26747
		Assistance Block					
		Grant					

3K9	195-614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	26748
3L0	195-612	Community Services	\$	25,235,000	\$	25,235,000	26749
		Block Grant					
3V1	195-601	HOME Program	\$	40,000,000	\$	40,000,000	26750
308	195-602	Appalachian Regional	\$	475,000	\$	475,000	26751
		Commission					
308	195-603	Housing and Urban	\$	6,000,000	\$	6,000,000	26752
		Development					
308	195-605	Federal Projects	\$	27,000,000	\$	27,000,000	26753
308	195-609	Small Business	\$	4,296,381	\$	4,396,381	26754
		Administration					
308	195-618	Energy Federal Grants	\$	3,400,000	\$	3,400,000	26755
335	195-610	Energy Conservation	\$	2,200,000	\$	2,200,000	26756
		and Emerging					
		Technology					
TOTAL FED Federal Special Revenue							26757
Fund Group			\$	356,446,281	\$	326,566,381	26758
State Special Revenue Fund Group							26759
4F2	195-639	State Special Projects	\$	518,393	\$	518,393	26760
4F2	195-676	Marketing Initiatives	\$	5,000,000	\$	1,000,000	26761
4S0	195-630	Tax Incentive Programs	\$	650,800	\$	650,800	26762
4W1	195-646	Minority Business	\$	2,580,597	\$	2,580,597	26763
		Enterprise Loan					
444	195-607	Water and Sewer	\$	523,775	\$	523,775	26764
		Commission Loans					
450	195-624	Minority Business	\$	53,967	\$	53,967	26765
		Bonding Program					
		Administration					
451	195-625	Economic Development	\$	3,233,311	\$	3,233,311	26766
		Financing Operating					
5AR	195-674	Industrial Site	\$	4,500,000	\$	4,500,000	26767
		Improvements					
5CG	195-679	Alternative Fuel	\$	1,500,000	\$	1,000,000	26768

		Transportation				
5DU	195-689	Energy Projects	\$	840,000	\$	840,000 26769
5M4	195-659	Low Income Energy	\$	245,000,000	\$	245,000,000 26770
		Assistance				
5M5	195-660	Advanced Energy	\$	17,000,000	\$	17,000,000 26771
		Programs				
5X1	195-651	Exempt Facility	\$	25,000	\$	25,000 26772
		Inspection				
611	195-631	Water and Sewer	\$	15,713	\$	15,713 26773
		Administration				
617	195-654	Volume Cap	\$	200,000	\$	200,000 26774
		Administration				
646	195-638	Low- and Moderate-	\$	53,000,000	\$	53,000,000 26775
		Income Housing Trust				
		Fund				
TOTAL SSR		State Special Revenue				26776
Fund Group			\$	334,641,556	\$	330,141,556 26777
		Facilities Establishment Fund Group				26778
009	195-664	Innovation Ohio	\$	50,000,000	\$	50,000,000 26779
010	195-665	Research and	\$	50,000,000	\$	50,000,000 26780
		Development				
037	195-615	Facilities	\$	110,000,000	\$	110,000,000 26781
		Establishment				
4Z6	195-647	Rural Industrial Park	\$	3,000,000	\$	3,000,000 26782
		Loan				
5D2	195-650	Urban Redevelopment	\$	5,475,000	\$	5,475,000 26783
		Loans				
5S8	195-627	Rural Development	\$	3,000,000	\$	3,000,000 26784
		Initiative				
5S9	195-628	Capital Access Loan	\$	3,000,000	\$	3,000,000 26785
		Program				
TOTAL 037		Facilities				26786
Establishment		Fund Group	\$	224,475,000	\$	224,475,000 26787

Clean Ohio Revitalization Fund				26788
003 195-663 Clean Ohio Operating	\$	625,000	\$ 550,000	26789
TOTAL 003 Clean Ohio Revitalization Fund	\$	625,000	\$ 550,000	26790
Third Frontier Research & Development Fund Group				26791
011 195-686 Third Frontier Operating	\$	1,932,056	\$ 1,932,056	26792
011 195-687 Third Frontier Research & Development Projects	\$	94,000,000	\$ 72,000,000	26793
014 195-692 Research & Development Taxable Bond Projects	\$	28,000,000	\$ 28,000,000	26794
TOTAL 011 Third Frontier Research & Development Fund Group	\$	123,932,056	\$ 101,932,056	26795
Job Ready Site Development Fund Group				26796
012 195-688 Job Ready Site Operating	\$	1,246,155	\$ 1,246,155	26797
TOTAL 012 Job Ready Site Development Fund Group	\$	1,246,155	\$ 1,246,155	26798
TOTAL ALL BUDGET FUND GROUPS	\$	1,180,822,986	\$ 1,146,398,076 <u>1,146,448,076</u>	26799

Sec. 263.20.10. TRAVEL AND TOURISM GRANTS 26801

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. 26802
26803
26804

Of the foregoing appropriation item 195-507, Travel and Tourism Grants, \$50,000 in each fiscal year shall be used for the Cleveland Film Bureau. 26805
26806
26807

Of the foregoing appropriation item 195-507, Travel and 26808

Tourism Grants, \$50,000 in each fiscal year shall be used for the 26809
Cincinnati Film Bureau. 26810

Of the foregoing appropriation item 195-507, Travel and 26811
Tourism Grants, \$500,000 in each fiscal year shall be used for 26812
grants to The International Center for the Preservation of Wild 26813
Animals. 26814

Of the foregoing appropriation item 195-507, Travel and 26815
Tourism Grants, \$50,000 in each fiscal year shall be used for the 26816
Greater Cleveland Sports Commission. 26817

Of the foregoing appropriation item 195-507, Travel and 26818
Tourism Grants, \$50,000 in each fiscal year shall be used for the 26819
Greater Columbus Sports Commission. 26820

Of the foregoing appropriation item 195-507, Travel and 26821
Tourism Grants, \$50,000 in each fiscal year ~~2008~~ shall be used for 26822
the Ohio Alliance of Science Centers. 26823

Of the foregoing appropriation item 195-507, Travel and 26824
Tourism Grants, \$100,000 in each fiscal year shall be used for the 26825
Harbor Heritage Society/Great Lakes Science Center in support of 26826
operations of the Steamship William G. Mather Maritime Museum, and 26827
\$100,000 in each fiscal year shall be used for the Great Lakes 26828
Historical Society. 26829

Of the foregoing appropriation item 195-507, Travel and 26830
Tourism Grants, \$35,000 in fiscal year 2009 shall be used for the 26831
Ohio Junior Angus Association to assist with costs associated with 26832
hosting the Eastern Regional Junior Angus Show in June 2009. 26833

Of the foregoing appropriation item 195-507, Travel and 26834
Tourism Grants, \$60,000 in each fiscal year shall be used for the 26835
Ohio River Trails program. 26836

Of the foregoing appropriation item 195-507, Travel and 26837
Tourism Grants, \$60,000 in each fiscal year shall be used to 26838

support the outdoor drama "Tecumseh!" 26839

Of the foregoing appropriation item 195-507, Travel and 26840
Tourism Grants, \$25,000 in each fiscal year shall be used for 26841
Ohio's Appalachian Country. 26842

Of the foregoing appropriation item 195-507, Travel and 26843
Tourism Grants, \$25,000 in each fiscal year shall be used for the 26844
Garst Museum. 26845

Of the foregoing appropriation item 195-507, Travel and 26846
Tourism Grants, \$10,000 in each fiscal year shall be used for the 26847
Pro Football Hall of Fame Festival. 26848

Sec. 263.30.10. UNCLAIMED FUNDS TRANSFER 26849

(A) Notwithstanding division (A) of section 169.05 of the 26850
Revised Code, upon the request of the Director of Budget and 26851
Management, the Director of Commerce, prior to June 30, 2008, 26852
shall transfer to the Job Development Initiatives Fund (Fund 5AD) 26853
an amount not to exceed \$5,000,000 in cash of the unclaimed funds 26854
that have been reported by the holders of unclaimed funds under 26855
section 169.05 of the Revised Code, regardless of the allocation 26856
of the unclaimed funds described under that section. 26857

Notwithstanding division (A) of section 169.05 of the Revised 26858
Code, upon the request of the Director of Budget and Management, 26859
the Director of Commerce, prior to June 30, 2009, shall transfer 26860
to the Job Development Initiatives Fund (Fund 5AD) an amount not 26861
to exceed \$24,400,000 in cash of the unclaimed funds that have 26862
been reported by the holders of unclaimed funds under section 26863
169.05 of the Revised Code, regardless of the allocation of the 26864
unclaimed funds described under that section. 26865

(B) Notwithstanding division (A) of section 169.05 of the 26866
Revised Code, upon the request of the Director of Budget and 26867
Management, the Director of Commerce, prior to June 30, 2008, 26868

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

The foregoing appropriation item 200-532, Nonpublic Administrative Cost Reimbursement, shall be used by the Department of Education for the purpose of implementing section 3317.063 of the Revised Code. Notwithstanding the per pupil reimbursement limit of section 3317.063 of the Revised Code, the Department shall distribute any unspent and unencumbered funds remaining in each fiscal year after all other obligations of this appropriation have been met to chartered nonpublic schools in proportion to each school's share of the total reimbursement provided under section 3317.063 of the Revised Code.

Sec. 269.30.70. FOUNDATION FUNDING

The foregoing appropriation item 200-550, Foundation Funding, includes \$75,000,000 in each fiscal year for the state education aid offset due to the change in public utility valuation as a result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd General Assembly. This amount represents the total state education aid offset due to the valuation change for school districts and joint vocational school districts from all relevant appropriation line item sources. Upon certification by the Department of Education, in consultation with the Department of Taxation, to the Director of Budget and Management of the actual state aid offset, the cash transfer from Fund 053, appropriation item 200-900, School District Property Tax Replacement - Utility, shall be decreased or increased by the Director of Budget and Management to match the certification in accordance with section 5727.84 of the Revised Code.

The foregoing appropriation item 200-550, Foundation Funding, includes \$58,000,000 in fiscal year 2008 and \$145,000,000 in fiscal year 2009 for the state education aid offset because of the changes in tangible personal property valuation as a result of Am. Sub. H.B. 66 of the 126th General Assembly. This amount represents

the total state education aid offset because of the valuation 26930
change for school districts and joint vocational school districts 26931
from all relevant appropriation item sources. Upon certification 26932
by the Department of Education of the actual state education aid 26933
offset to the Director of Budget and Management, the cash transfer 26934
from Fund 047, appropriation item 200-909, School District 26935
Property Tax Replacement - Business, shall be decreased or 26936
increased by the Director of Budget and Management to match the 26937
certification in accordance with section 5751.21 of the Revised 26938
Code. 26939

Of the foregoing appropriation item 200-550, Foundation 26940
Funding, up to \$425,000 shall be expended in each fiscal year for 26941
court payments under section ~~2151.357~~ 2151.362 of the Revised 26942
Code; an amount shall be available in each fiscal year to fund up 26943
to 225 full-time equivalent approved GRADS teacher grants under 26944
division (N) of section 3317.024 of the Revised Code; an amount 26945
shall be available in each fiscal year to make payments to school 26946
districts under division (A)(3) of section 3317.022 of the Revised 26947
Code; an amount shall be available in each fiscal year to make 26948
payments to school districts under division (F) of section 26949
3317.022 of the Revised Code; and up to \$30,000,000 in each fiscal 26950
year shall be reserved for payments under sections 3317.026, 26951
3317.027, and 3317.028 of the Revised Code except that the 26952
Controlling Board may increase the \$30,000,000 amount if presented 26953
with such a request from the Department of Education. 26954

Of the foregoing appropriation item 200-550, Foundation 26955
Funding, up to \$19,770,000 in fiscal year 2008 and up to 26956
\$20,545,200 in fiscal year 2009 shall be used to provide 26957
additional state aid to school districts for special education 26958
students under division (C)(3) of section 3317.022 of the Revised 26959
Code, except that the Controlling Board may increase these amounts 26960
if presented with such a request from the Department of Education 26961

at the final meeting of the fiscal year; up to \$2,000,000 in each 26962
fiscal year shall be reserved for Youth Services tuition payments 26963
under section 3317.024 of the Revised Code; and up to \$52,000,000 26964
in each fiscal year shall be reserved to fund the state 26965
reimbursement of educational service centers under section 3317.11 26966
of the Revised Code and the section of ~~this act~~ Am. Sub. H.B. 119 26967
of the 127th General Assembly entitled "EDUCATIONAL SERVICE 26968
CENTERS FUNDING." An amount shall be available for special 26969
education weighted funding under division (C)(1) of section 26970
3317.022 and division (D)(1) of section 3317.16 of the Revised 26971
Code. 26972

Of the foregoing appropriation item 200-550, Foundation 26973
Funding, an amount shall be available in each fiscal year to be 26974
used by the Department of Education for transitional aid for 26975
school districts and joint vocational school districts. Funds 26976
shall be distributed under the sections of ~~this act~~ Am. Sub. H.B. 26977
119 of the 127th General Assembly entitled "TRANSITIONAL AID FOR 26978
CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and 26979
"TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 26980

Of the foregoing appropriation item 200-550, Foundation 26981
Funding, up to \$1,000,000 in each fiscal year shall be used by the 26982
Department of Education for a program to pay for educational 26983
services for youth who have been assigned by a juvenile court or 26984
other authorized agency to any of the facilities described in 26985
division (A) of the section of ~~this act~~ Am. Sub. H.B. 119 of the 26986
127th General Assembly entitled "PRIVATE TREATMENT FACILITY 26987
PROJECT." 26988

Of the foregoing appropriation item 200-550, Foundation 26989
Funding, up to \$3,700,000 in each fiscal year shall be used for 26990
school breakfast programs. Of this amount, up to \$900,000 shall be 26991
used in each fiscal year by the Department of Education to 26992
contract with the Children's Hunger Alliance to expand access to 26993

child nutrition programs consistent with the organization's 26994
continued ability to meet specified performance measures as 26995
detailed in the contract. Of this amount, the Children's Hunger 26996
Alliance shall use at least \$150,000 in each fiscal year to 26997
subcontract with an appropriate organization or organizations to 26998
expand summer food participation in underserved areas of the 26999
state, consistent with those organizations' continued ability to 27000
meet specified performance measures as detailed in the 27001
subcontracts. The remainder of the appropriation shall be used to 27002
partially reimburse school buildings within school districts that 27003
are required to have a school breakfast program under section 27004
3313.813 of the Revised Code, at a rate decided by the Department. 27005

Of the foregoing appropriation item 200-550, Foundation 27006
Funding, up to \$8,686,000 in fiscal year 2008 and up to \$8,722,860 27007
in fiscal year 2009 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 portion of the funds distributed to the Cleveland 27011
Municipal School District under this section, up to \$11,901,887 in 27012
each fiscal year shall be used to operate the school choice 27013
program in the Cleveland Municipal School District under sections 27014
3313.974 to 3313.979 of the Revised Code. 27015

Of the foregoing appropriation item 200-550, Foundation 27016
Funding, \$3,312,165 in each fiscal year shall be used in 27017
conjunction with funding appropriated under appropriation item 27018
200-431, School Improvement Initiatives, to help support districts 27019
in the development and implementation of their continuous 27020
improvements plans and provide technical assistance and support in 27021
accordance with Title I of the "No Child Left Behind Act of 2001." 27022

The remaining portion of appropriation item 200-550, 27023
Foundation Funding, shall be expended for the public schools of 27024
city, local, exempted village, and joint vocational school 27025

districts, including base-cost funding, special education speech 27026
service enhancement funding, career-technical education weight 27027
funding, career-technical education associated service funding, 27028
teacher training and experience funding, charge-off supplement, 27029
and excess cost supplement under sections 3317.022, 3317.023, 27030
3317.0216, and 3317.16 of the Revised Code. 27031

Appropriation items 200-502, Pupil Transportation, 200-521, 27032
Gifted Pupil Program, 200-540, Special Education Enhancements, and 27033
200-550, Foundation Funding, other than specific set-asides, are 27034
collectively used in each fiscal year to pay state formula aid 27035
obligations for school districts and joint vocational school 27036
districts under Chapter 3317. of the Revised Code. The first 27037
priority of these appropriation items, with the exception of 27038
specific set-asides, is to fund state formula aid obligations 27039
under Chapter 3317. of the Revised Code. It may be necessary to 27040
reallocate funds among these appropriation items or use excess 27041
funds from other general revenue fund appropriation items in the 27042
Department of Education's budget in each fiscal year, in order to 27043
meet state formula aid obligations. If it is determined that it is 27044
necessary to transfer funds among these appropriation items or to 27045
transfer funds from other General Revenue Fund appropriations in 27046
the Department of Education's budget to meet state formula aid 27047
obligations, the Department of Education shall seek approval from 27048
the Controlling Board to transfer funds as needed. 27049

Sec. 269.40.50. START-UP FUNDS 27050

Funds appropriated for the purpose of providing start-up 27051
grants to Title IV-A Head Start and Title IV-A Head Start Plus 27052
agencies in fiscal year 2004 and fiscal year 2005 for the 27053
provision of services to children eligible for Title IV-A services 27054
under the Title IV-A Head Start or Title IV-A Head Start Plus 27055
programs shall be reimbursed to the General Revenue Fund as 27056

follows: 27057

(A) If, for fiscal year 2008, an entity that was a Title IV-A 27058
Head Start or Title IV-A Head Start Plus agency will not be an 27059
early learning agency or early learning provider, the entity shall 27060
repay the entire amount of the start-up grant it received in 27061
fiscal year 2004 and fiscal year 2005 not later than June 30, 27062
2009, in accordance with a payment schedule agreed to by the 27063
Department of Education. 27064

(B) If an entity that was a Title IV-A Head Start or Title 27065
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 27066
2005 will be an early learning agency or early learning provider 27067
in fiscal year 2008 and fiscal year 2009, the entity shall be 27068
allowed to retain any amount of the start-up grant it received, 27069
unless division (D) of this section applies to the entity. In that 27070
case, the entity shall repay the entire amount of the obligation 27071
described in that division not later than June 30, 2009. 27072

(C) Within ninety days after ~~the effective date of this 27073~~
~~section June 30, 2007~~, the Title IV-A Head Start agencies, Title 27074
IV-A Head Start Plus agencies, and the Department of Education 27075
shall determine the repayment schedule for amounts owed under 27076
division (A) of this section. These amounts shall be paid to the 27077
state not later than June 30, 2009. 27078

(D) If an entity that was a Title IV-A Head Start or Title 27079
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 27080
2005 owed the state any portion of the start-up grant amount 27081
during fiscal year 2006 or fiscal year 2007 but failed to repay 27082
the entire amount of the obligation by June 30, 2007, the entity 27083
shall be given an extension for repayment through June 30, 2009, 27084
before any amounts remaining due and payable to the state are 27085
referred to the Attorney General for collection under section 27086
131.02 of the Revised Code. 27087

(E) Any Title IV-A Head Start or Title IV-A Head Start Plus 27088
start-up grants that are retained by early learning agencies or 27089
early learning providers pursuant to this section shall be 27090
reimbursed to the General Revenue Fund when the early learning 27091
program ceases or is no longer funded from Title IV-A or if an 27092
early learning agency's or early learning provider's participation 27093
in the early learning program ceases or is terminated. 27094

Sec. 269.50.30. EDUCATIONAL SERVICE CENTERS FUNDING 27095

(A) As used in this section: 27096

(1) "Internet- or computer-based community school" has the 27097
same meaning as in section 3314.02 of the Revised Code. 27098

(2) "Service center ADM" has the same meaning as in section 27099
3317.11 of the Revised Code. 27100

(3) "STEM school" means a science, technology, engineering, 27101
and mathematics school established under Chapter 3326. of the 27102
Revised Code. 27103

(B) Notwithstanding division (F) of section 3317.11 of the 27104
Revised Code, no funds shall be provided under that division to an 27105
educational service center in either fiscal year for any pupils of 27106
a city or exempted village school district unless an agreement to 27107
provide services under section 3313.843 of the Revised Code was 27108
entered into by January 1, 1997, except that funds shall be 27109
provided to an educational service center for any pupils of a city 27110
school district if the agreement to provide services was entered 27111
into within one year of the date upon which such district changed 27112
from a local school district to a city school district. 27113

If an educational service center that entered into an 27114
agreement by January 1, 1997, with a city or exempted village 27115
school district to provide services under section 3313.843 of the 27116
Revised Code ceases to operate because all of the local school 27117

districts that constituted the territory of the service center 27118
have severed from the service center pursuant to section 3311.059 27119
of the Revised Code, another educational service center, by 27120
resolution of its governing board, may assume the obligations of 27121
the original service center to provide services to the city or 27122
exempted village school district under that agreement in fiscal 27123
year 2009. If that other service center assumes those obligations 27124
to provide services to the city or exempted village school 27125
district, that service center shall be considered to be the 27126
service center that entered into the agreement by January 1, 1997, 27127
and, accordingly, may receive funds under division (F) of section 27128
3317.11 of the Revised Code in accordance with this section in 27129
fiscal year 2009 for pupils of that city or exempted village 27130
school district. 27131

(C) Notwithstanding any provision of the Revised Code to the 27132
contrary, an educational service center that sponsors a community 27133
school under Chapter 3314. of the Revised Code in either fiscal 27134
year may include the students of that community school in its 27135
service center ADM for purposes of state funding under division 27136
(F) of section 3317.11 of the Revised Code, unless the community 27137
school is an Internet- or computer-based community school. A 27138
service center shall include the community school students in its 27139
service center ADM only to the extent that the students are not 27140
already so included, and only in accordance with guidelines issued 27141
by the Department of Education. If the students of a community 27142
school sponsored by an educational service center are included in 27143
the service center ADM of another educational service center, 27144
those students shall be removed from the service center ADM of the 27145
other educational service center and added to the service center 27146
ADM of the community school's sponsoring service center. The 27147
General Assembly authorizes this procedure as an incentive for 27148
educational service centers to take over sponsorship of community 27149
schools from the State Board of Education as the State Board's 27150

sponsorship is phased out in accordance with Sub. H.B. 364 of the 27151
124th General Assembly. No student of an Internet- or 27152
computer-based community school shall be counted in the service 27153
center ADM of any educational service center. The Department shall 27154
pay educational service centers under division (F) of section 27155
3317.11 of the Revised Code for community school students included 27156
in their service center ADMs under this division only if 27157
sufficient funds earmarked within appropriation item 200-550, 27158
Foundation Funding, for payments under that division remain after 27159
first paying for students attributable to their local and client 27160
school districts, in accordance with divisions (B) and ~~(D)~~(E) of 27161
this section. 27162

(D) Notwithstanding division (C) of section 3326.45 of the 27163
Revised Code, the Department shall pay educational service centers 27164
under division (H) of section 3317.11 of the Revised Code for 27165
services provided to STEM schools only if sufficient funds 27166
earmarked within appropriation item 200-550, Foundation Funding, 27167
for payments under that division remain after first paying for 27168
students attributable to the local and client school districts of 27169
the service centers and for community school students in their 27170
service center ADMs, in accordance with divisions (B), (C), and 27171
(E) of this section. 27172

(E) If insufficient funds are earmarked within appropriation 27173
item 200-550, Foundation Funding, for payments under ~~division~~ 27174
divisions (F) and (H) of section 3317.11 of the Revised Code and 27175
division (C) of this section in fiscal year 2008 or fiscal year 27176
2009, the Department shall prioritize the distribution of the 27177
earmarked funds as follows: 27178

(1) The Department shall first distribute to each educational 27179
service center the per-student amount specified in division (F) of 27180
section 3317.11 of the Revised Code for each student in its 27181
service center ADM attributable to the local school districts 27182

within the service center's territory. 27183

(2) The Department shall distribute the remaining funds in 27184
each fiscal year to each educational service center for the 27185
students in its service center ADM attributable to each city and 27186
exempted village school district that had entered into an 27187
agreement with an educational service center for that fiscal year 27188
under section 3313.843 of the Revised Code by January 1, 1997, up 27189
to the per-student amount specified in division (F) of section 27190
3317.11 of the Revised Code. If insufficient funds remain to pay 27191
each service center the full amount specified in division (F) of 27192
that section for each such student, the Department shall 27193
distribute the remaining funds to each service center 27194
proportionally, on a per-student basis for each such student, 27195
unless that proportional per-student amount exceeds the amount 27196
specified in division (F)(1) of that section. In that case, the 27197
Department shall distribute the per-student amount specified in 27198
division (F)(1) of that section to each service center for each 27199
such student and shall distribute the remainder proportionally, on 27200
a per-student basis for each such student, to the multi-county 27201
service centers described in division (F)(2) of that section. 27202

(3) If the Department has paid each service center under 27203
divisions ~~(D)~~(E)(1) and (2) of this section, the full amount 27204
specified in division (F) of section 3317.11 of the Revised Code 27205
for each student attributable to its local school districts and 27206
its client school districts described in division ~~(D)~~(E)(2) of 27207
this section the Department shall distribute any remaining funds 27208
proportionally, on a per-student basis, to each service center 27209
that sponsors a community school, other than an Internet- or 27210
computer-based community school, for the students included in the 27211
service center ADM under division (C) of this section. These 27212
payments shall not exceed per student the amount specified in 27213
division (F) of section 3317.11 of the Revised Code. 27214

(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

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Accrued Leave Liability Fund Group

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806 995-666 Accrued Leave Fund \$ 69,584,560 \$ 76,038,787

27243

807 995-667 Disability Fund \$ 40,104,713 \$ 39,309,838

27244

TOTAL ALF Accrued Leave Liability

27245

Fund Group		\$ 109,689,273	\$ 115,348,625	27246	
Agency Fund Group				27247	
124	995-673	Payroll Deductions	\$ 2,125,000,000	\$ 2,175,000,000	27248
808	995-668	State Employee Health	\$ 499,240,000	\$ 550,922,742	27249
		Benefit Fund			
809	995-669	Dependent Care	\$ 2,969,635	\$ 2,969,635	27250
		Spending Account			
810	995-670	Life Insurance	\$ 2,113,589	\$ 2,229,834	27251
		Investment Fund			
811	995-671	Parental Leave	\$ 3,994,806	\$ 4,234,495	27252
		Benefit Fund			
813	995-672	Health Care Spending	\$ 12,000,000	\$ 12,000,000	27253
		Account			
TOTAL AGY	Agency Fund Group		\$ 2,645,318,030	\$ 2,747,356,706	27254
TOTAL ALL BUDGET FUND GROUPS			\$ 2,755,007,303	\$ 2,862,705,331	27255

ACCRUED LEAVE LIABILITY FUND 27256

The foregoing appropriation item 995-666, Accrued Leave Fund, 27257
shall be used to make payments from the Accrued Leave Liability 27258
Fund (Fund 806), pursuant to section 125.211 of the Revised Code. 27259
If it is determined by the Director of Budget and Management that 27260
additional amounts are necessary, the amounts are appropriated. 27261

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 27262

The foregoing appropriation item 995-667, Disability Fund, 27263
shall be used to make payments from the State Employee Disability 27264
Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the 27265
Revised Code. If it is determined by the Director of Budget and 27266
Management that additional amounts are necessary, the amounts are 27267
appropriated. 27268

PAYROLL WITHHOLDING FUND 27269

The foregoing appropriation item 995-673, Payroll Deductions, 27270
shall be used to make payments from the Payroll Withholding Fund 27271

(Fund 124). If it is determined by the Director of Budget and Management that additional appropriation amounts are necessary, such amounts are hereby appropriated. 27272
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STATE EMPLOYEE HEALTH BENEFIT FUND 27275

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. 27276
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DEPENDENT CARE SPENDING ACCOUNT 27282

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. 27283
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LIFE INSURANCE INVESTMENT FUND 27289

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. 27290
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PARENTAL LEAVE BENEFIT FUND 27297

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 27298
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it is determined by the Director of Budget and Management that 27302
additional amounts are necessary, the amounts are appropriated. 27303

HEALTH CARE SPENDING ACCOUNT 27304

There is hereby established in the State Treasury the Health 27305
Care Spending Account Fund (Fund 813). The foregoing appropriation 27306
item 995-672, Health Care Spending Account, shall be used to make 27307
payments from the fund. The fund shall be under the supervision of 27308
the Department of Administrative Services and shall be used to 27309
make payments pursuant to state employees' participation in a 27310
flexible spending account for non-reimbursed health care expenses 27311
and pursuant to Section 125 of the Internal Revenue Code. All 27312
income derived from the investment of the fund shall accrue to the 27313
fund. If it is determined by the Director of Administrative 27314
Services that additional appropriation amounts are necessary, the 27315
Director of Administrative Services may request that the Director 27316
of Budget and Management increase such amounts. Such amounts are 27317
hereby appropriated. 27318

At the request of the Director of Administrative Services, 27319
the Director of Budget and Management shall transfer up to 27320
\$145,000 from the General Revenue Fund to the Health Care Spending 27321
Account Fund during fiscal years 2008 and 2009. This cash shall be 27322
transferred as needed to provide adequate cash flow for the Health 27323
Care Spending Account Fund during fiscal year 2008 and fiscal year 27324
2009. If funds are available at the end of fiscal years 2008 and 27325
2009, the Director of Budget and Management shall transfer cash up 27326
to the amount previously transferred in the respective year, plus 27327
interest income, back from the Health Care Spending Account (Fund 27328
813) to the General Revenue Fund. 27329

CASH TRANSFER TO ACCRUED LEAVE FUND 27330

The Director of Budget and Management may transfer 27331
\$100,080.79 in cash from the Dependent Care Spending Account Fund 27332

(Fund 809) to the Accrued Leave Fund (Fund 806) to correct an 27333
intrastate transfer voucher from the Department of Natural 27334
Resources that was mistakenly deposited into the Dependent Care 27335
Spending Account Fund. 27336

Sec. 293.10. DOH DEPARTMENT OF HEALTH 27337

General Revenue Fund 27338

GRF 440-407 Animal Borne Disease \$ 2,327,101 \$ 2,327,101 27339
and Prevention

GRF 440-412 Cancer Incidence \$ 1,002,619 \$ 1,002,619 27340
Surveillance System

GRF 440-413 Local Health \$ 3,786,794 \$ 3,786,794 27341
Department Support

GRF 440-416 Child and Family \$ 9,522,874 \$ 9,622,874 27342
Health Services

GRF 440-418 Immunizations \$ 9,400,615 \$ 9,400,615 27343

GRF 440-425 Abstinence and \$ 500,000 \$ 500,000 27344
Adoption Education

GRF 440-431 Free Clinic Liability \$ 250,000 \$ 250,000 27345
Insurance

GRF 440-437 Healthy Ohio \$ 1,502,618 \$ 2,855,553 27346

GRF 440-438 Breast and Cervical \$ 2,500,000 \$ 2,500,000 27347
Cancer Screening

GRF 440-444 AIDS Prevention and \$ 7,158,127 \$ 7,158,127 27348
Treatment

GRF 440-446 Infectious Disease \$ 200,000 \$ 200,000 27349
Prevention

GRF 440-451 Lab and Public Health \$ 6,085,250 \$ 6,085,250 27350
Prevention Programs

GRF 440-452 Child and Family \$ 1,024,017 \$ 1,024,017 27351
Health Services Match

GRF 440-453 Health Care Quality \$ 10,253,728 \$ 10,253,728 27352

	Assurance				
GRF 440-454	Local Environmental	\$	889,752	\$	889,752
	Health				27353
GRF 440-459	Help Me Grow	\$	10,923,397	\$	14,041,847
GRF 440-505	Medically Handicapped	\$	10,791,784	\$	10,791,784
	Children				27355
GRF 440-507	Targeted Health Care	\$	1,681,023	\$	1,681,023
	Services Over 21				27356
GRF 440-511	Uncompensated Care and	\$	0	\$	3,500,000
	Emergency Medical				27357
	Assistance				
TOTAL GRF	General Revenue Fund	\$	79,799,699	\$	87,871,084
					27358
	General Services Fund Group				27359
142 440-646	Agency Health Services	\$	3,461,915	\$	3,461,915
211 440-613	Central Support	\$	28,884,707	\$	28,884,707
	Indirect Costs				27361
473 440-622	Lab Operating Expenses	\$	4,954,045	\$	4,954,045
683 440-633	Employee Assistance	\$	1,208,214	\$	1,208,214
	Program				27362
698 440-634	Nurse Aide Training	\$	170,000	\$	170,000
TOTAL GSF	General Services				27364
Fund Group		\$	38,678,881	\$	38,678,881
					27366
	Federal Special Revenue Fund Group				27367
320 440-601	Maternal Child Health	\$	30,666,635	\$	30,666,635
	Block Grant				27368
387 440-602	Preventive Health	\$	7,826,659	\$	7,826,659
	Block Grant				27369
389 440-604	Women, Infants, and	\$	230,077,451	\$	230,077,451
	Children				27370
391 440-606	Medicaid/Medicare	\$	24,850,959	\$	24,850,959
392 440-618	Federal Public Health	\$	136,778,215	\$	136,778,215
	Programs				27372

TOTAL FED Federal Special Revenue				27373	
Fund Group	\$	430,199,919	\$	430,199,919	27374
State Special Revenue Fund Group				27375	
4D6 440-608 Genetics Services	\$	3,317,000	\$	3,317,000	27376
4F9 440-610 Sickle Cell Disease Control	\$	1,035,344	\$	1,035,344	27377
4G0 440-636 Heirloom Birth Certificate	\$	5,000	\$	5,000	27378
4G0 440-637 Birth Certificate Surcharge	\$	5,000	\$	5,000	27379
4L3 440-609 Miscellaneous Expenses	\$	446,468	\$	446,468	27380
<u>4P4 440-628 Ohio Physician Loan Repayment</u>	\$	<u>0</u>	\$	<u>476,870</u>	27381
4T4 440-603 Child Highway Safety	\$	233,894	\$	233,894	27382
4V6 440-641 Save Our Sight	\$	1,767,994	\$	1,767,994	27383
470 440-647 Fee Supported Programs	\$	27,996,243	\$	25,905,140	27384
471 440-619 Certificate of Need	\$	869,000	\$	898,000	27385
477 440-627 Medically Handicapped Children Audit	\$	3,693,016	\$	3,693,016	27386
5B5 440-616 Quality, Monitoring, and Inspection	\$	838,479	\$	838,479	27387
5CB 440-640 Poison Control Centers	\$	150,000	\$	150,000	27388
5CN 440-645 Choose Life	\$	75,000	\$	75,000	27389
5C0 440-615 Alcohol Testing and Permit	\$	1,455,405	\$	1,455,405	27390
5D6 440-620 Second Chance Trust	\$	1,054,951	\$	1,054,951	27391
5EC 440-650 Health Emergency	\$	15,312,500	\$	0	27392
5ED 440-651 Smoke Free Indoor Air	\$	800,000	\$	800,000	27393
5G4 440-639 Adoption Services	\$	20,000	\$	20,000	27394
5L1 440-623 Nursing Facility Technical Assistance Program	\$	664,282	\$	698,595	27395
<u>5Z7 440-624 Ohio Dental Loan</u>	\$	<u>0</u>	\$	<u>140,000</u>	27396

		<u>Repayment</u>				
610	440-626	Radiation Emergency	\$	850,000	\$	850,000 27397
		Response				
666	440-607	Medically Handicapped	\$	14,320,687	\$	14,320,687 27398
		Children - County				
		Assessments				
TOTAL SSR State Special Revenue						27399
Fund Group			\$	74,910,263	\$	57,569,973 27400
						<u>58,186,843</u>
Holding Account Redistribution Fund Group						27401
R14	440-631	Vital Statistics	\$	70,000	\$	70,000 27402
R48	440-625	Refunds, Grants	\$	20,000	\$	20,000 27403
		Reconciliation, and				
		Audit Settlements				
TOTAL 090 Holding Account						27404
Redistribution Fund Group			\$	90,000	\$	90,000 27405
TOTAL ALL BUDGET FUND GROUPS			\$	623,678,762	\$	614,409,857 27406
						<u>615,026,727</u>
Sec. 299.10. OHS OHIO HISTORICAL SOCIETY						27408
General Revenue Fund						27409
GRF	360-501	Operating Subsidy	\$	3,649,244	\$	3,649,252 27410
GRF	360-502	Site and Museum	\$	8,501,781	\$	8,501,788 27411
		Operations				<u>8,357,176</u>
GRF	360-504	Ohio Preservation	\$	417,516	\$	415,381 27412
		Office				
GRF	360-505	National	\$	754,884	\$	754,884 27413
		Afro-American Museum				
GRF	360-506	Hayes Presidential	\$	514,323	\$	514,323 27414
		Center				
GRF	360-508	State Historical	\$	853,000	\$	775,000 27415
		Grants				

TOTAL GRF General Revenue Fund	\$	14,690,748	\$	14,610,628	27416
TOTAL ALL BUDGET FUND GROUPS	\$	14,690,748	\$	14,610,628	27417
				<u>14,466,016</u>	

SUBSIDY APPROPRIATION 27418

Upon approval by the Director of Budget and Management, the 27419
foregoing appropriation items shall be released to the Ohio 27420
Historical Society in quarterly amounts that in total do not 27421
exceed the annual appropriations. The funds and fiscal records of 27422
the society for fiscal years 2008 and 2009 shall be examined by 27423
independent certified public accountants approved by the Auditor 27424
of State, and a copy of the audited financial statements shall be 27425
filed with the Office of Budget and Management. The society shall 27426
prepare and submit to the Office of Budget and Management the 27427
following: 27428

(A) An estimated operating budget for each fiscal year of the 27429
biennium. The operating budget shall be submitted at or near the 27430
beginning of each calendar year. 27431

(B) Financial reports, indicating actual receipts and 27432
expenditures for the fiscal year to date. These reports shall be 27433
filed at least semiannually during the fiscal biennium. 27434

The foregoing appropriations shall be considered to be the 27435
contractual consideration provided by the state to support the 27436
state's offer to contract with the Ohio Historical Society under 27437
section 149.30 of the Revised Code. 27438

STATE ARCHIVES 27439

Of the foregoing appropriation item 360-501, Operating 27440
Subsidy, \$300,000 in each fiscal year shall be used for the State 27441
Archives, Library, and Artifact Collections program. 27442

HAYES PRESIDENTIAL CENTER 27443

If a United States government agency, including, but not 27444

limited to, the National Park Service, chooses to take over the 27445
operations or maintenance of the Hayes Presidential Center, in 27446
whole or in part, the Ohio Historical Society shall make 27447
arrangements with the National Park Service or other United States 27448
government agency for the efficient transfer of operations or 27449
maintenance. 27450

HISTORICAL GRANTS 27451

Of the foregoing appropriation item 360-508, State Historical 27452
Grants, \$60,000 in fiscal year 2008 shall be distributed to the 27453
Paul Laurence Dunbar Home, \$75,000 in each fiscal year shall be 27454
distributed to the Center for Holocaust and Humanity Education 27455
located at the Hebrew Union College-Jewish Institute of Religion 27456
in Cincinnati, \$350,000 in each fiscal year shall be distributed 27457
to the Western Reserve Historical Society, \$350,000 in each fiscal 27458
year shall be distributed to the Cincinnati Museum Center, and up 27459
to \$18,000 in fiscal year 2008 shall be distributed to the 27460
Muskingum River Underground Railroad Historic Marker Project. 27461

PROCESSING FEES 27462

The Ohio Historical Society shall not charge or retain an 27463
administrative, service, or processing fee for distributing money 27464
that the General Assembly appropriates to the Society for grants 27465
or subsidies that the Society provides to other entities for their 27466
site-related programs. 27467

TRANSFER FOR STATEHOUSE TOURS AND EDUCATION 27468

On June 1, 2008, or as soon as possible thereafter, the 27469
Director of Budget and Management shall transfer \$12,297 cash from 27470
GRF appropriation item 360-502, Site and Museum Operations, to the 27471
Statehouse Gift Shop/Events Fund (Fund 4S70) in the Capitol Square 27472
Review and Advisory Board to support Statehouse tours and 27473
education staff. 27474

Sec. 309.10.	JFS DEPARTMENT OF JOB AND FAMILY SERVICES			27475
General Revenue Fund				27476
GRF 600-321	Support Services			27477
	State	\$ 50,785,978	\$ 52,571,413	27478
	Federal	\$ 10,460,286	\$ 11,290,237	27479
	Support Services Total	\$ 61,246,264	\$ 63,861,650	27480
GRF 600-410	TANF State	\$ 267,619,061	\$ 267,619,061	27481
GRF 600-413	Child Care	\$ 84,120,596	\$ 84,120,596	27482
	Match/Maintenance of Effort			
GRF 600-416	Computer Projects			27483
	State	\$ 115,383,181	\$ 116,419,033	27484
	Federal	\$ 21,488,920	\$ 21,192,117	27485
	Computer Projects Total	\$ 136,872,101	\$ 137,611,150	27486
GRF 600-417	Medicaid Provider Audits	\$ 2,000,000	\$ 2,000,000	27487
GRF 600-420	Child Support Administration	\$ 8,541,446	\$ 10,641,446	27488
GRF 600-421	Office of Family Stability	\$ 4,614,932	\$ 4,614,932	27489
GRF 600-423	Office of Children and Families	\$ 5,650,000	\$ 5,900,000	27490
GRF 600-425	Office of Ohio Health Plans			27491
	State	\$ 22,500,000	\$ 22,500,000	27492
	Federal	\$ 23,324,848	\$ 23,418,368	27493
	Office of Ohio Health Plans Total	\$ 45,824,848	\$ 45,918,368	27494
GRF 600-502	Administration - Local	\$ 34,014,103	\$ 34,014,103	27495
GRF 600-511	Disability Financial Assistance	\$ 22,128,480	\$ 25,335,908	27496
GRF 600-512	Non-TANF Disaster	\$ 1,000,000	\$ 1,000,000	27497

	Assistance				
GRF 600-521	Entitlement	\$ 130,000,000	\$ 130,000,000		27498
	Administration - Local				
GRF 600-523	Children and Families	\$ 78,115,135	\$ 78,115,135		27499
	Services				
GRF 600-525	Health Care/Medicaid				27500
	State	\$ 3,371,917,993	\$ 3,603,598,928		27501
			<u>3,673,819,292</u>		
	Federal	\$ 5,173,236,576	\$ 5,736,989,273		27502
			<u>5,865,064,895</u>		
	Health Care Total	\$ 8,545,154,569	\$ 9,340,588,201		27503
			<u>9,538,884,187</u>		
GRF 600-526	Medicare Part D	\$ 254,397,401	\$ 271,854,640		27504
GRF 600-528	Adoption Services				27505
	State	\$ 37,520,466	\$ 43,978,301		27506
	Federal	\$ 41,304,043	\$ 49,196,065		27507
	Adoption Services Total	\$ 78,824,509	\$ 93,174,366		27508
GRF 600-529	Capital Compensation	\$ 7,000,000	\$ 0		27509
	Program				
GRF 600-534	Adult Protective	\$ 500,000	\$ 500,000		27510
	Services				
TOTAL GRF	General Revenue Fund				27511
	State	\$ 4,497,808,772	\$ 4,754,783,496		27512
			<u>4,825,003,860</u>		
	Federal	\$ 5,269,814,673	\$ 5,842,086,060		27513
			<u>5,970,161,682</u>		
	GRF Total	\$ 9,767,623,445	\$ 10,596,869,556		27514
			<u>10,795,165,542</u>		
	General Services Fund Group				27515
4A8 600-658	Child Support	\$ 26,680,794	\$ 26,680,794		27516
	Collections		<u>31,929,211</u>		
4R4 600-665	BCII Services/Fees	\$ 36,974	\$ 36,974		27517
5BG 600-653	Managed Care	\$ 210,655,034	\$ 222,667,304		27518

		Assessment				
5C9	600-671	Medicaid Program	\$	80,120,048	\$	80,120,048 27519
		Support				
5DL	600-639	Medicaid Revenue and	\$	51,966,785	\$	56,296,844 27520
		Collections				<u>76,296,844</u>
5N1	600-677	County Technologies	\$	1,000,000	\$	1,000,000 27521
5P5	600-692	Health Care Services	\$	93,000,000	\$	62,000,000 27522
						<u>82,000,000</u>
613	600-645	Training Activities	\$	135,000	\$	135,000 27523
TOTAL GSF General Services						27524
Fund Group			\$	463,594,635	\$	448,936,964 27525
						<u>494,185,381</u>
Federal Special Revenue Fund Group						27526
3AW	600-675	Faith Based	\$	1,000,000	\$	1,000,000 27527
		Initiatives				
3A2	600-641	Emergency Food	\$	2,900,000	\$	3,500,000 27528
		Distribution				
3D3	600-648	Children's Trust Fund	\$	2,040,524	\$	2,040,524 27529
		Federal				
3F0	600-623	Health Care Federal	\$	1,209,188,383	\$	1,211,196,561 27530
						<u>1,280,718,161</u>
3F0	600-650	Hospital Care	\$	343,239,047	\$	343,239,047 27531
		Assurance Match				
3G5	600-655	Interagency	\$	1,469,763,073	\$	1,513,855,965 27532
		Reimbursement				
3H7	600-617	Child Care Federal	\$	207,269,463	\$	200,167,593 27533
3N0	600-628	IV-E Foster Care	\$	153,963,142	\$	153,963,142 27534
		Maintenance				
3S5	600-622	Child Support	\$	534,050	\$	534,050 27535
		Projects				
3V0	600-688	Workforce Investment	\$	232,568,453	\$	233,082,144 27536
		Act				
3V4	600-678	Federal Unemployment	\$	147,411,858	\$	152,843,414 27537

		Programs				
3V4	600-679	Unemployment	\$ 3,092,890	\$ 3,191,862		27538
		Compensation Review				
		Commission - Federal				
3V6	600-689	TANF Block Grant	\$1,037,739,200	\$ 1,085,861,099		27539
3W3	600-659	TANF/Title XX	\$ 10,081,377	\$ 6,672,366		27540
		Transfer				
327	600-606	Child Welfare	\$ 48,514,502	\$ 47,947,309		27541
331	600-686	Federal Operating	\$ 53,963,318	\$ 56,263,225		27542
384	600-610	Food Stamps and State	\$ 160,237,060	\$ 153,147,118		27543
		Administration				
385	600-614	Refugee Services	\$ 10,196,547	\$ 11,057,826		27544
395	600-616	Special	\$ 5,723,131	\$ 5,717,151		27545
		Activities/Child and				
		Family Services				
396	600-620	Social Services Block	\$ 114,479,464	\$ 114,474,085		27546
		Grant				
396	600-651	Second Harvest Food	\$ 5,500,000	\$ 5,500,000		27547
		Banks				
397	600-626	Child Support	\$ 303,661,307	\$ 303,538,962		27548
398	600-627	Adoption Maintenance/	\$ 318,172,168	\$ 317,483,676		27549
		Administration				
TOTAL FED Federal Special Revenue						27550
Fund Group			\$5,841,238,957	\$ 5,926,277,119		27551
				<u>5,995,798,719</u>		
State Special Revenue Fund Group						27552
198	600-647	Children's Trust Fund	\$ 6,788,522	\$ 6,788,522		27553
4A9	600-607	Unemployment	\$ 12,273,062	\$ 12,188,996		27554
		Compensation				
		Administration Fund				
4A9	600-694	Unemployment	\$ 1,726,938	\$ 1,811,004		27555
		Compensation Review				
		Commission				

4E3	600-605	Nursing Home Assessments	\$	4,759,914	\$	4,759,914	27556
4E7	600-604	Child and Family Services Collections	\$	300,000	\$	300,000	27557
4J5	600-613	Nursing Facility Bed Assessments	\$	34,613,984	\$	34,613,984	27558
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	27559
4K1	600-621	ICF/MR Bed Assessments	\$	19,332,437	\$	19,332,437 <u>23,254,187</u>	27560
4R3	600-687	Banking Fees	\$	800,000	\$	800,000	27561
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	27562
<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>	27563
5DB	600-637	Military Injury Grants	\$	2,000,000	\$	2,000,000	27564
5ES	600-630	Food Assistance	\$	500,000	\$	500,000	27565
5F2	600-667	Building Consolidation	\$	250,000	\$	250,000	27566
5F3	600-668	Building Consolidation	\$	1,000,000	\$	1,000,000	27567
5Q9	600-619	Supplemental Inpatient Hospital Payments	\$	56,125,998	\$	56,125,998	27568
5R2	600-608	Medicaid-Nursing Facilities	\$	175,000,000	\$	175,000,000	27569
5S3	600-629	MR/DD Medicaid Administration and Oversight	\$	1,620,960	\$	1,620,960	27570
5U3	600-654	Health Care Services Administration	\$	9,867,284	\$	12,000,349	27571
5U6	600-663	Children and Family Support	\$	4,928,718	\$	4,928,718	27572

5Z9	600-672	TANF Quality Control	\$	520,971	\$	546,254	27573
		Reinvestments					
651	600-649	Hospital Care	\$	231,893,404	\$	231,893,404	27574
		Assurance Program					
		Fund					
TOTAL SSR State Special Revenue							27575
Fund Group			\$	590,002,192	\$	592,160,540	27576
						<u>600,482,290</u>	
Agency Fund Group							27577
192	600-646	Support Intercept -	\$	110,000,000	\$	110,000,000	27578
		Federal					
5B6	600-601	Food Stamp Intercept	\$	2,000,000	\$	2,000,000	27579
583	600-642	Support Intercept -	\$	16,000,000	\$	16,000,000	27580
		State					
TOTAL AGY Agency Fund Group							27581
Holding Account Redistribution Fund Group							27582
R12	600-643	Refunds and Audit	\$	3,600,000	\$	3,600,000	27583
		Settlements					
R13	600-644	Forgery Collections	\$	10,000	\$	10,000	27584
TOTAL 090 Holding Account							27585
Redistribution Fund Group							
TOTAL ALL BUDGET FUND GROUPS							27586
				\$16,794,069,229		\$17,695,854,179	
						<u>18,017,241,932</u>	
<u>BUDGET STABILIZATION FUND TRANSFER FOR MEDICAID</u>							27587
<u>Notwithstanding section 127.14 of the Revised Code, if the</u>							27588
<u>Director of Budget and Management determines that additional</u>							27589
<u>appropriations are needed to fund the Medicaid program, the</u>							27590
<u>Director may, with Controlling Board approval, transfer up to</u>							27591
<u>\$63,333,420 cash in fiscal year 2009 from the Budget Stabilization</u>							27592
<u>Fund to the General Revenue Fund. Upon approval from the</u>							27593
<u>Controlling Board, the Director of Budget and Management shall</u>							27594
<u>transfer the approved amounts of cash, increase the state share of</u>							27595

appropriations to line item 600-525, Health Care/Medicaid, and 27596
adjust the federal share accordingly. Any such transfers and 27597
adjustments are hereby appropriated. 27598

Sec. 309.30.13. CHILDREN'S HOSPITALS 27599

(A) As used in this section: 27600

"Children's hospital" means a hospital that primarily serves 27601
patients eighteen years of age and younger and is excluded from 27602
Medicare prospective payment in accordance with 42 C.F.R. 27603
412.23(d). 27604

"Medicaid inpatient cost-to-charge ratio" means the historic 27605
Medicaid inpatient cost-to-charge ratio applicable to a hospital 27606
as described in rules adopted by the Director of Job and Family 27607
Services in paragraph (B)(2) of rule 5101:3-2-22 of the 27608
Administrative Code. 27609

(B) Notwithstanding paragraph (C)(5) of rule 5101:3-2-07.9 of 27610
the Administrative Code and except as provided in division (C) of 27611
this section, the Director of Job and Family Services shall pay a 27612
children's hospital that meets the criteria in paragraphs (E)(1) 27613
and (2) of rule 5101:3-2-07.9 of the Administrative Code, for each 27614
cost outlier claim made in fiscal years 2008 and 2009, an amount 27615
that is the product of the hospital's allowable charges and the 27616
hospital's Medicaid inpatient cost-to-charge ratio. 27617

(C) The Director of Job and Family Services shall cease 27618
paying a children's hospital for a cost outlier claim under the 27619
methodology in division (B) of this section and revert to paying 27620
the hospital for such a claim according to methodology in 27621
paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the 27622
Administrative Code, as applicable, when the difference between 27623
the total amount the Director has paid according to the 27624
methodology in division (B) of this section for such claims and 27625

the total amount the Director would have paid according to the 27626
methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of 27627
the Administrative Code, as the applicable paragraph existed on 27628
June 30, 2007, for such claims, exceeds the sum of the state funds 27629
and corresponding federal match earmarked in division (F) of this 27630
section and reappropriated in division (G) of this section for the 27631
applicable fiscal year. 27632

(D) The Director of Job and Family Services shall make 27633
supplemental Medicaid payments to hospitals for inpatient services 27634
under a program modeled after the program the Department of Job 27635
and Family Services was required to create for fiscal years 2006 27636
and 2007 in Section 206.66.79 of Am. Sub. H.B. 66 of the 126th 27637
General Assembly if the difference between the total amount the 27638
Director has paid according to the methodology in division (B) of 27639
this section for cost outlier claims and the total amount the 27640
Director would have paid according to the methodology in paragraph 27641
(A)(6) or (C)(5) of rule 5101:3-2-07.9 of the Administrative Code 27642
for such claims, as the applicable paragraph existed on June 30, 27643
2007, does not require the expenditure of all state and federal 27644
funds earmarked in division (F) of this section for the applicable 27645
fiscal year. 27646

(E) The Director of Job and Family Services shall not adopt, 27647
amend, or rescind any rules that would result in decreasing the 27648
amount paid to children's hospitals under division (B) of this 27649
section for cost outlier claims. 27650

(F) Of the foregoing appropriation item, 600-525, Health 27651
Care/Medicaid, up to \$6 million (state share) in each fiscal year 27652
plus the corresponding federal match, if available, shall be used 27653
by the Department to pay the amounts described in division (B) of 27654
this section. 27655

(G) The unencumbered balance of the \$6 million in division 27656
(F) of this section at the end of fiscal year 2008 is hereby 27657

reappropriated to appropriation item 600-525, Health 27658
Care/Medicaid, for fiscal year 2009 to be used by the Department 27659
to pay the amounts described in division (B) of this section. The 27660
Director of Budget and Management shall increase the state share 27661
of appropriations in appropriation item 600-525, Health 27662
Care/Medicaid, by the amount of the unencumbered balance of the \$6 27663
million, with a corresponding increase in the federal share. The 27664
Department shall expend, not later than June 30, 2009, the entire 27665
amount of the unencumbered balance of the \$6 million 27666
reappropriated to appropriation item 600-525, Health 27667
Care/Medicaid, for fiscal year 2009 by this division, by the 27668
corresponding increase in the federal share, and the \$6 million 27669
plus the corresponding federal match earmarked for fiscal year 27670
2009 by division (F) of this section to pay the amounts described 27671
in division (B) of this section. 27672

Sec. 309.30.30. FISCAL YEAR 2009 MEDICAID REIMBURSEMENT 27673
SYSTEM FOR NURSING FACILITIES 27674

(A) As used in this section: 27675

(1) "Capital costs," "cost of ownership," and "renovation" 27676
have the same meanings as in section 5111.20 of the Revised Code 27677
as that section existed on June 30, 2005. 27678

(2) "Fiscal year 2008 rate" means the rate a provider of a 27679
nursing facility is paid for nursing facility services the nursing 27680
facility provides on June 30, 2008. 27681

(3) "Franchise permit fee," "inpatient days," "Medicaid 27682
days," "nursing facility," and "provider" have the same meanings 27683
as in section 5111.20 of the Revised Code. 27684

(4) "Nursing facility services" means nursing facility 27685
services covered by the Medicaid program that a nursing facility 27686
provides to a resident of the nursing facility who is a Medicaid 27687

recipient eligible for Medicaid-covered nursing facility services. 27688
27689

(5) "Reviewable activity" has the same meaning as in section 27690
3702.51 of the Revised Code. 27691

(6) "Type A nursing facility" means a nursing facility that 27692
qualifies for a per diem under Section 309.30.42 of Am. Sub. H.B. 27693
119 of the 127th General Assembly, as amended by this act. 27694

(7) "Type B nursing facility" means a nursing facility to 27695
which both of the following apply: 27696

(a) Both of the following occurred during the last quarter of 27697
fiscal year 2008: 27698

(i) The facility obtained certification as a nursing facility 27699
from the Director of Health. 27700

(ii) The facility began participating in the Medicaid 27701
program. 27702

(b) An application for a certificate of need for the nursing 27703
facility was filed with the Director of Health before June 15, 27704
2005. 27705

(8) "Type C nursing facility" means a nursing facility to 27706
which all of the following apply: 27707

(a) The nursing facility is not a type B nursing facility. 27708

(b) The nursing facility, during the last quarter of fiscal 27709
year 2008, completed a capital project for which a certificate of 27710
need was filed with the Director of Health before June 15, 2005, 27711
and for which at least one of the following occurred before July 27712
1, 2005, or, if the capital project is undertaken to comply with 27713
rules adopted by the Public Health Council regarding resident room 27714
size or occupancy, before June 30, 2007: 27715

(i) Any materials or equipment for the capital project were 27716
delivered; 27717

<u>(ii) Preparations for the physical site of the capital project, including, if applicable, excavation, began;</u>	27718
	27719
<u>(iii) Actual work on the capital project began.</u>	27720
<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>	27721
	27722
	27723
	27724
<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>	27725
	27726
	27727
<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>	27728
	27729
	27730
	27731
<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>	27732
	27733
	27734
	27735
<u>(i) Any materials or equipment for the activity were delivered.</u>	27736
	27737
<u>(ii) Preparations for the physical site of the activity, including, if applicable, excavation, began.</u>	27738
	27739
<u>(iii) Actual work on the activity began.</u>	27740
<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>	27741
	27742
	27743
	27744
<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>	27745
	27746
	27747

<u>(a) The Director of Job and Family Services approved the renovation before July 1, 2005.</u>	27748
	27749
<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>	27750
	27751
	27752
	27753
<u>(i) Any materials or equipment for the renovation were delivered.</u>	27754
	27755
<u>(ii) Preparations for the physical site of the renovation, including, if applicable, excavation, began.</u>	27756
	27757
<u>(iii) Actual work on the renovation began.</u>	27758
<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>	27759
	27760
	27761
	27762
<u>(11) "Type F nursing facility" means a nursing facility to which all of the following apply:</u>	27763
	27764
<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>	27765
	27766
	27767
	27768
<u>(b) The nursing facility has one hundred ninety-two beds.</u>	27769
<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>	27770
	27771
	27772
	27773
(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	27774
	27775
	27776
	27777

facility services the nursing facility provides during fiscal year 27778
2009, the rate calculated for the nursing facility under sections 27779
5111.20 to 5111.33 of the Revised Code with the following 27780
adjustments: 27781

(1) The cost per case mix-unit calculated under section 27782
5111.231 of the Revised Code, the rate for ancillary and support 27783
costs calculated under section 5111.24 of the Revised Code, the 27784
rate for capital costs calculated under section 5111.25 of the 27785
Revised Code, and the rate for tax costs calculated under section 27786
5111.242 of the Revised Code shall each be adjusted as follows: 27787

(a) Increase the cost and rates so calculated by two per 27788
cent; 27789

(b) Increase the cost and rates determined under division 27790
(B)(1)(a) of this section by two per cent; 27791

(c) Increase the cost and rates determined under division 27792
(B)(1)(b) of this section by one per cent. 27793

(2) The mean payment used in the calculation of the quality 27794
incentive payment made under section 5111.244 of the Revised Code 27795
shall be, weighted by Medicaid days, three dollars and three cents 27796
per Medicaid day. 27797

(C) If the rate determined for a nursing facility under 27798
division (B) of this section for nursing facility services 27799
provided during fiscal year 2009 is more than one hundred two and 27800
seventy-five hundredths per cent of the sum of the nursing 27801
facility's fiscal year 2008 rate ~~the provider is paid for nursing~~ 27802
~~facility services the nursing facility provides on June 30, 2008~~ 27803
and the amount specified in division (D) of this section, the 27804
Department of Job and Family Services shall reduce the nursing 27805
facility's fiscal year 2009 rate so that the rate is not more than 27806
one hundred two and seventy-five hundredths per cent of ~~the~~ 27807
~~nursing facility's rate for June 30, 2008~~ that sum. If the rate 27808

determined for a nursing facility under division (B) of this 27809
section for nursing facility services provided during fiscal year 27810
2009 is less than the sum of the nursing facility's fiscal year 27811
2008 rate the provider is paid for nursing facility services the 27812
nursing facility provides on June 30, 2008 and the amount 27813
specified in division (D) of this section, the Department shall 27814
increase the nursing facility's fiscal year 2009 rate so that the 27815
rate is not less than the nursing facility's rate for June 30, 27816
2008 that sum. 27817

(D) Subject to division (E) of this section, the following 27818
amount shall be added to a nursing facility's fiscal year 2008 27819
rate for the purpose of determining the ceiling and floor under 27820
division (C) of this section: 27821

(1) If the nursing facility is a type A nursing facility, the 27822
amount of the per diem for which the nursing facility qualifies 27823
under Section 309.30.42 of Am. Sub. H.B. 119 of the 127th General 27824
Assembly, as amended by this act; 27825

(2) If the nursing facility is a type B nursing facility, the 27826
amount that is the difference between the capital costs portion of 27827
the nursing facility's initial rate established under section 27828
5111.254 of the Revised Code and the lesser of the following: 27829

(a) Eighty-eight and sixty-five hundredths per cent of the 27830
nursing facility's cost of ownership as reported on its 27831
three-month projected capital cost report divided by the greater 27832
of the number of inpatient days the nursing facility is expected 27833
to have during the period covered by the projected capital cost 27834
report or the number of inpatient days the nursing facility would 27835
have during that period if the nursing facility's occupancy rate 27836
was eighty per cent; 27837

(b) The maximum capital per diem rate in effect for fiscal 27838
year 2005 for nursing facilities. 27839

(3) If the nursing facility is a type C nursing facility, 27840
type D nursing facility, or type F nursing facility, the amount 27841
that is the difference between the capital costs portion of the 27842
nursing facility's fiscal year 2008 rate and the lesser of the 27843
following: 27844

(a) Eighty-eight and sixty-five hundredths per cent of the 27845
nursing facility's cost of ownership as reported on its 27846
three-month projected capital cost report divided by the greater 27847
of the number of inpatient days the nursing facility is expected 27848
to have during the period covered by the projected capital cost 27849
report or the number of inpatient days the nursing facility would 27850
have during that period if the nursing facility's occupancy rate 27851
was ninety-five per cent; 27852

(b) The maximum capital per diem rate in effect for fiscal 27853
year 2005 for nursing facilities. 27854

(4) If the nursing facility is a type E nursing facility, the 27855
amount that is equal to eighty-five per cent of the nursing 27856
facility's capital costs for the renovation as reported on its 27857
three-month projected capital cost report divided by the greater 27858
of the number of inpatient days the nursing facility is expected 27859
to have during the period covered by the projected capital cost 27860
report or the number of inpatient days the nursing facility would 27861
have during that period if the nursing facility's occupancy rate 27862
was ninety-five per cent; 27863

(5) If the nursing facility is not a type A nursing facility, 27864
type B nursing facility, type C nursing facility, type D nursing 27865
facility, type E nursing facility, or type F nursing facility, 27866
zero. 27867

(E) The amount to be added to the fiscal year 2008 rate of a 27868
type A nursing facility, type B nursing facility, type C nursing 27869
facility, type D nursing facility, type E nursing facility, or 27870

type F nursing facility for the purpose of determining the ceiling 27871
and floor under division (C) of this section shall be zero until 27872
the later of the following: 27873

(1) July 1, 2008; 27874

(2) The first day of the month following the month in which 27875
the provider files the three-month projected capital cost report 27876
for the nursing facility with the Director of Job and Family 27877
Services. 27878

(F) If the United States Centers for Medicare and Medicaid 27879
Services requires that the franchise permit fee be reduced or 27880
eliminated, the Department of Job and Family Services shall reduce 27881
the amount it pays providers of nursing facility services under 27882
this section as necessary to reflect the loss to the state of the 27883
revenue and federal financial participation generated from the 27884
franchise permit fee. 27885

~~(E)~~(G) The Department of Job and Family Services shall follow 27886
this section in determining the rate to be paid to the provider of 27887
a nursing facility that has a valid Medicaid provider agreement on 27888
June 30, 2008, and a valid Medicaid provider agreement during 27889
fiscal year 2009 notwithstanding anything to the contrary in 27890
sections 5111.20 to 5111.33 of the Revised Code. 27891

(H) Not later than sixty days after the effective date of the 27892
amendments to this section, the Director of Job and Family 27893
Services shall submit an amendment to the state Medicaid plan to 27894
the United States Secretary of Health and Human Services as 27895
necessary to implement the amendments to this section. On receipt 27896
of the United States Secretary's approval of the amendment to the 27897
state Medicaid plan, the Director shall implement the amendments 27898
to this section retroactive to the effective date of the state 27899
Medicaid plan amendment. 27900

Sec. 309.30.40. FISCAL YEARS 2008 AND 2009 MEDICAID	27901
REIMBURSEMENT SYSTEM FOR ICFs/MR	27902
(A) As used in this section:	27903
"Intermediate care facility for the mentally retarded" has	27904
the same meaning as in section 5111.20 of the Revised Code.	27905
"Medicaid days" means all days during which a resident who is	27906
a Medicaid recipient occupies a bed in an intermediate care	27907
facility for the mentally retarded that is included in the	27908
facility's Medicaid-certified capacity. Therapeutic or hospital	27909
leave days for which payment is made under section 5111.33 of the	27910
Revised Code are considered Medicaid days proportionate to the	27911
percentage of the intermediate care facility for the mentally	27912
retarded's per resident per day rate paid for those days.	27913
"Per diem rate" means the per diem rate calculated pursuant	27914
to sections 5111.20 to 5111.33 of the Revised Code.	27915
(B) Notwithstanding sections 5111.20 to 5111.33 of the	27916
Revised Code, rates paid to intermediate care facilities for the	27917
mentally retarded under the Medicaid program shall be subject to	27918
the following limitations:	27919
(1) For fiscal year 2008, the mean total per diem rate for	27920
all intermediate care facilities for the mentally retarded in the	27921
state, weighted by May 2007 Medicaid days and calculated as of	27922
July 1, 2007, shall not exceed \$266.14.	27923
(2) For fiscal year 2009, the mean total per diem rate for	27924
all intermediate care facilities for the mentally retarded in the	27925
state, weighted by May 2008 Medicaid days and calculated as of	27926
July 1, 2008, shall not exceed \$271.46 <u>\$276.13</u> .	27927
(3) If the mean total per diem rate for all intermediate care	27928
facilities for the mentally retarded in the state for fiscal year	27929
2008 or 2009, weighted by Medicaid days as specified in division	27930

(B)(1) or (2) of this section, as appropriate, and calculated as 27931
of the first day of July of the calendar year in which the fiscal 27932
year begins, exceeds the amount specified in division (B)(1) or 27933
(2) of this section, as applicable, the Department of Job and 27934
Family Services shall reduce the total per diem rate for each 27935
intermediate care facility for the mentally retarded in the state 27936
by a percentage that is equal to the percentage by which the mean 27937
total per diem rate exceeds the amount specified in division 27938
(B)(1) or (2) of this section for that fiscal year. 27939

(4) Subsequent to any reduction required by division (B)(3) 27940
of this section, the rate of an intermediate care facility for the 27941
mentally retarded shall not be subject to any adjustments 27942
authorized by sections 5111.20 to 5111.33 of the Revised Code 27943
during the remainder of the year. 27944

Sec. 309.30.41. ADDITIONAL COMPENSATION FOR NURSING FACILITY 27945
CAPITAL COSTS 27946

The foregoing appropriation item 600-529, Capital 27947
Compensation Program, shall be used to make payments to nursing 27948
facilities under ~~the section of this act entitled "FISCAL YEARS~~ 27949
~~2008 AND 2009 PAYMENTS TO CERTAIN NURSING FACILITIES~~ Section 27950
309.30.42 of Am. Sub. H.B. 119 of the 127th General Assembly." 27951

The unencumbered balance of appropriation item 600-529, 27952
Capital Compensation Program, at the end of fiscal year 2008 is 27953
hereby appropriated to appropriation item 600-525, Health 27954
Care/Medicaid, for fiscal year 2009 ~~for use under the same~~ 27955
~~appropriation item.~~ The Director of Budget and Management shall 27956
increase the state share of appropriations in appropriation item 27957
600-525, Health Care/Medicaid, by the amount of the unencumbered 27958
balance of appropriation item 600-529, Capital Compensation 27959
Program, with a corresponding increase in the federal share. 27960

Sec. 309.30.42. FISCAL YEARS <u>YEAR</u> 2008 AND 2009 PAYMENTS TO	27961
CERTAIN NURSING FACILITIES	27962
(A) As used in this section:	27963
"Capital costs," "cost of ownership," and "renovation" have	27964
the same meanings as in section 5111.20 of the Revised Code as	27965
that section existed on June 30, 2005.	27966
"Change of operator" has the same meaning as in section	27967
5111.65 of the Revised Code.	27968
"Inpatient days," "Medicaid days," and "nursing facility"	27969
have the same meanings as in section 5111.20 of the Revised Code.	27970
"Reviewable activity" has the same meaning as in section	27971
3702.51 of the Revised Code.	27972
(B) The following qualify for per diem payments under this	27973
section:	27974
(1) A nursing facility to which both of the following apply:	27975
(a) Both of the following occurred during fiscal year 2006 7	27976
<u>or 20077 or the first three quarters of fiscal year 2008:</u>	27977
(i) The facility obtained certification as a nursing facility	27978
from the Director of Health.	27979
(ii) The facility began participating in the Medicaid	27980
program.	27981
(b) An application for a certificate of need for the nursing	27982
facility was filed with the Director of Health before June 15,	27983
2005.	27984
(2) A nursing facility to which all of the following apply:	27985
(a) The nursing facility does not qualify for a payment	27986
pursuant to division (B)(1) of this section.	27987
(b) The nursing facility, before June 30 <u>March 31</u> , 2008,	27988

completed a capital project for which a certificate of need was 27989
filed with the Director of Health before June 15, 2005, and for 27990
which at least one of the following occurred before July 1, 2005, 27991
or, if the capital project is undertaken to comply with rules 27992
adopted by the Public Health Council regarding resident room size 27993
or occupancy, before June 30, 2007: 27994

(i) Any materials or equipment for the capital project were 27995
delivered; 27996

(ii) Preparations for the physical site of the capital 27997
project, including, if applicable, excavation, began; 27998

(iii) Actual work on the capital project began. 27999

(c) The costs of the capital project are not fully reflected 28000
in the capital costs portion of the nursing facility's Medicaid 28001
reimbursement per diem rate on June 30, 2005. 28002

(d) The nursing facility files a three-month projected 28003
capital cost report with the Director of Job and Family Services 28004
not later than ninety days after the later of March 30, 2006, or 28005
the date the capital project is completed. 28006

(3) A nursing facility that, before ~~June 30~~ March 31, 2008, 28007
completed an activity to which all of the following apply: 28008

(a) A request was filed with the Director of Health before 28009
July 1, 2005, for a determination of whether the activity is a 28010
reviewable activity and the Director determined that the activity 28011
is not a reviewable activity. 28012

(b) At least one of the following occurred before July 1, 28013
2005, or, if the nursing facility undertakes the activity to 28014
comply with rules adopted by the Public Health Council regarding 28015
resident room size or occupancy, before June 30, 2007: 28016

(i) Any materials or equipment for the activity were 28017
delivered. 28018

(ii) Preparations for the physical site of the activity, including, if applicable, excavation, began.	28019 28020
(iii) Actual work on the activity began.	28021
(c) The costs of the activity are not fully reflected in the capital costs portion of the nursing facility's Medicaid reimbursement per diem rate on June 30, 2005.	28022 28023 28024
(d) The nursing facility files a three-month projected capital cost report with the Director of Job and Family Services not later than ninety days after the later of March 30, 2006, or the date the activity is completed.	28025 28026 28027 28028
(4) A nursing facility that, before June 30 <u>March 31</u> , 2008, completed a renovation to which all of the following apply:	28029 28030
(a) The Director of Job and Family Services approved the renovation before July 1, 2005.	28031 28032
(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:	28033 28034 28035 28036
(i) Any materials or equipment for the renovation were delivered.	28037 28038
(ii) Preparations for the physical site of the renovation, including, if applicable, excavation, began.	28039 28040
(iii) Actual work on the renovation began.	28041
(c) The costs of the renovation are not fully reflected in the capital costs portion of the nursing facility's Medicaid reimbursement per diem rate on June 30, 2005.	28042 28043 28044
(d) The nursing facility files a three-month projected capital cost report with the Director of Job and Family Services not later than ninety days after the later of March 30, 2006, or the date the renovation is completed.	28045 28046 28047 28048

(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 28081
that period if the nursing facility's occupancy rate was eighty 28082
per cent. 28083~~

~~(2) The maximum capital per diem rate in effect for fiscal 28084
year 2005 for nursing facilities. 28085~~

~~(E) The per diem payments paid for fiscal year 2008 to a 28086
nursing facility that qualifies for the payments pursuant to 28087
division (B)(2) or (3) of this section shall equal the difference 28088
between the capital costs portion of the nursing facility's 28089
Medicaid reimbursement per diem rate determined under Section 28090
309.30.20 of this act Am. Sub. H.B. 119 of the 127th General 28091
Assembly and the lesser of the following: 28092~~

~~(1) Eighty-eight and sixty-five hundredths per cent of the 28093
nursing facility's cost of ownership as reported on a three-month 28094
projected capital cost report divided by the greater of the number 28095
of inpatient days the nursing facility is expected to have during 28096
the period covered by the projected capital cost report or the 28097
number of inpatient days the nursing facility would have during 28098
that period if the nursing facility's occupancy rate was 28099
ninety-five per cent. 28100~~

~~(2) The maximum capital per diem rate in effect for fiscal 28101
year 2005 for nursing facilities. 28102~~

~~(F) The per diem payments paid for fiscal year 2009 to a 28103
nursing facility that qualifies for the payments pursuant to 28104
division (B)(2) or (3) of this section shall equal the difference 28105
between the capital costs portion of the nursing facility's 28106
Medicaid reimbursement per diem rate determined under Section 28107
309.30.30 of this act and the lesser of the following: 28108~~

~~(1) Eighty eight and sixty five hundredths per cent of the 28109
nursing facility's cost of ownership as reported on a three-month 28110
projected capital cost report divided by the greater of the number 28111~~

~~of inpatient days the nursing facility is expected to have during 28112
the period covered by the projected capital cost report or the 28113
number of inpatient days the nursing facility would have during 28114
that period if the nursing facility's occupancy rate was 28115
ninety five per cent. 28116~~

~~(2) The maximum capital per diem rate in effect for fiscal 28117
year 2005 for nursing facilities. 28118~~

~~(G)(E) The per diem payments paid to a nursing facility that 28119
qualifies for the payments pursuant to division (B)(4) of this 28120
section shall equal eighty-five per cent of the nursing facility's 28121
capital costs for the renovation as reported on a three-month 28122
projected capital cost report divided by the greater of the number 28123
of inpatient days the nursing facility is expected to have during 28124
the period covered by the projected capital cost report or the 28125
number of inpatient days the nursing facility would have during 28126
that period if the nursing facility's occupancy rate was 28127
ninety-five per cent. 28128~~

~~(H)(F) All of the following apply to the per diem payments 28129
made under this section: 28130~~

~~(1) All nursing facilities' eligibility for the payments 28131
shall cease at the earlier of the following: 28132~~

~~(a) July 1, 2009; 28133~~

~~(b) The date that the total amount of the payments equals 28134
seven million dollars. 28135~~

~~(2) The payments made for the last quarter that the payments 28136
are made may be reduced proportionately as necessary to avoid 28137
spending more than seven million dollars under this section. 28138~~

~~(3) The Subject to the following, the per diem payments shall 28139
be made for quarterly periods only the first three quarters of 28140
fiscal year 2008 by multiplying the per diem determined for a 28141~~

nursing facility by the number of Medicaid days the nursing 28142
facility has for the ~~quarter~~ quarters for which the payment is 28143
made: 28144

(a) Not more than a total of four million two hundred 28145
thousand dollars may be spent on the payments. 28146

(b) The payments may be reduced proportionately as necessary 28147
to avoid spending more than four million two hundred thousand 28148
dollars under this section. 28149

~~(4)~~(2) Any per diem payments to be made to a nursing facility 28150
~~for a quarter ending before July 2008~~ under this section shall be 28151
made not later than ~~September~~ June 30, 2008. 28152

~~(5)~~ Any per diem payments to be made to a nursing facility 28153
~~for a quarter beginning after June 2008~~ shall be made not later 28154
~~than three months after the last day of the quarter for which the~~ 28155
~~payments are made.~~ 28156

~~(6)~~(3) A change of operator shall not cause the payments to a 28157
nursing facility to ~~eease~~ not be made. 28158

~~(7)~~(4) The payments shall only be made to a nursing facility 28159
for the first three quarters ~~during of~~ fiscal years year 2008 and 28160
~~2009~~ for which the nursing facility has a valid Medicaid provider 28161
agreement. 28162

~~(8)~~(5) The payments shall be in addition to a nursing 28163
facility's Medicaid reimbursement per diem rate calculated under 28164
Section 309.30.20 ~~or 309.30.30~~ of ~~this act~~ Am. Sub. H.B. 119 of 28165
the 127th General Assembly. 28166

~~(I)~~(G) The Director of Job and Family Services shall monitor, 28167
~~on a quarterly basis,~~ the per diem payments made to nursing 28168
facilities under this section to ensure that not more than a total 28169
of ~~seven~~ four million two hundred thousand dollars is spent under 28170
this section. 28171

~~(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. 28172
 28173
 28174

~~(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. 28175
 28176
 28177
 28178
 28179

Sec. 309.40.33. CHILD SUPPORT COLLECTIONS/TANF MOE 28180

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. 28181
 28182
 28183
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 28188

Sec. 337.30. COMMUNITY SERVICES 28189

General Revenue Fund				28190
GRF	322-413	Residential and Support Services	\$ 6,753,881 \$ 6,753,881	28191
GRF	322-416	Medicaid Waiver - State Match	\$ 109,551,380 \$ 109,551,380	28192
GRF	322-451	Family Support Services	\$ 6,938,898 \$ 6,938,898	28193
GRF	322-501	County Boards Subsidies	\$ 87,270,048 \$ 87,270,048	28194
GRF	322-503	Tax Equity	\$ 14,000,000 \$ 14,000,000	28195
GRF	322-504	Martin Settlement	\$ 6,159,766 \$ 29,036,451	28196
TOTAL GRF	General Revenue Fund		\$ 230,673,973 \$ 253,550,658	28197

General Services Fund Group				28198
488 322-603 Provider Audit Refunds	\$	10,000	\$ 10,000	28199
5MO 322-628 Martin Settlement	\$	150,000	\$ 0	28200
TOTAL GSF General Services				28201
Fund Group	\$	160,000	\$ 10,000	28202
Federal Special Revenue Fund Group				28203
3G6 322-639 Medicaid Waiver - Federal	\$	456,311,171	\$ 506,618,829	28204
3M7 322-650 CAFS Medicaid	\$	4,278,713	\$ 0	28205
325 322-612 Community Social Service Programs	\$	11,186,114	\$ 11,164,639	28206
TOTAL FED Federal Special Revenue				28207
Fund Group	\$	471,775,998	\$ 517,783,468	28208
State Special Revenue Fund Group				28209
4K8 322-604 Medicaid Waiver - State Match	\$	12,000,000	\$ 12,000,000	28210
5DJ 322-625 Targeted Case Management Match	\$	11,082,857	\$ 11,470,757	28211
5DJ 322-626 Targeted Case Management Services	\$	27,548,737	\$ 28,512,943	28212
5EV 322-627 Program Fees	\$	20,000	\$ 20,000	28213
5H0 322-619 Medicaid Repayment	\$	10,000	\$ 10,000	28214
5Z1 322-624 County Board Waiver Match	\$	116,000,000	\$ 126,000,000	28215
<u>5CT 322-632 Autism Preschool Program</u>	<u>\$</u>	<u>0</u>	<u>\$ 1,000,000</u>	28216
TOTAL SSR State Special Revenue				28217
Fund Group	\$	166,661,594	\$ 178,013,700 <u>179,013,700</u>	28218
TOTAL ALL COMMUNITY SERVICES				28219
BUDGET FUND GROUPS	\$	869,271,565	\$ 949,357,826 <u>950,357,826</u>	28220

AUTISM PRESCHOOL PROGRAM 28221

Of the foregoing appropriation item 322-632, Autism Preschool 28222
Program, \$1,000,000 in fiscal year 2009 shall be provided to the 28223
Educational Service Center of Franklin County to administer the 28224
Autism Preschool Program established under section 3323.36 of the 28225
Revised Code. The Director of Mental Retardation and Developmental 28226
Disabilities and the Superintendent of the Educational Service 28227
Center of Franklin County shall enter into an agreement, which 28228
shall require the Superintendent, at the end of each grant period, 28229
to submit a report to the Director of Mental Retardation and 28230
Developmental Disabilities on the Autism Preschool Program 28231
detailing the use of the funds and outcomes of the program funded 28232
by the grant. 28233

Sec. 337.30.43. TAX EQUITY 28234

~~Notwithstanding section 5126.18 of the Revised Code, if a~~ 28235
~~county board of mental retardation and developmental disabilities~~ 28236
~~received a tax equity payment in fiscal year 2007, but would not~~ 28237
~~receive such a payment in fiscal years 2008 and 2009, the~~ 28238
~~Department of Mental Retardation and Developmental Disabilities~~ 28239
~~shall use the foregoing appropriation item 322-503, Tax Equity, to~~ 28240
~~pay each such board in each fiscal year of the biennium an amount~~ 28241
~~that is equal to the tax equity payment the board received in~~ 28242
~~fiscal year 2007 or \$25,000, whichever is less. The Department~~ 28243
~~shall use the remainder of the appropriation item to make tax~~ 28244
~~equity payments in accordance with section 5126.18 of the Revised~~ 28245
Code for fiscal year 2009, if the Department of Mental Retardation 28246
and Developmental Disabilities determines that sufficient funds 28247
are available, the Department shall use the foregoing 28248
appropriation item 322-503, Tax Equity, to pay each county board 28249
of mental retardation and developmental disabilities an amount 28250
that is equal to the amount the board received for fiscal year 28251

2008. If the Department determines that there are not sufficient 28252
funds available in the appropriation item for this purpose, the 28253
Department shall pay to each county board an amount that is 28254
proportionate to the amount the board received for fiscal year 28255
2008. Proportionality shall be determined by dividing the total 28256
tax equity payments distributed to county boards for fiscal year 28257
2008 by the tax equity payment a county board received for fiscal 28258
year 2008. 28259

Sec. 337.40. RESIDENTIAL FACILITIES 28260

General Revenue Fund 28261

GRF 323-321 Developmental Center \$ 102,796,851 \$ 102,796,851 28262
and Residential
Facilities Operation
Expenses

TOTAL GRF General Revenue Fund \$ 102,796,851 \$ 102,796,851 28263

General Services Fund Group 28264

152 323-609 Developmental Center \$ 912,177 \$ 912,177 28265
and Residential
Operating Services

TOTAL GSF General Services 28266

Fund Group \$ 912,177 \$ 912,177 28267

Federal Special Revenue Fund Group 28268

3A4 323-605 Developmental Center \$ 136,299,536 \$ 137,555,308 28269
and Residential
Facility Services and
Support

TOTAL FED Federal Special Revenue 28270

Fund Group \$ 136,299,536 \$ 137,555,308 28271

State Special Revenue Fund Group 28272

221 322-620 Supplement Service \$ 150,000 \$ 150,000 28273

	Trust				
489	323-632	Developmental Center	\$ 14,543,764	\$ 14,671,616	28274
	Direct Care Support				
	TOTAL SSR State Special Revenue				28275
	Fund Group		\$ 14,693,764	\$ 14,821,616	28276
	TOTAL ALL RESIDENTIAL FACILITIES				28277
	BUDGET FUND GROUPS		\$ 254,702,328	\$ 256,085,952	28278
	DEPARTMENT TOTAL				28279
	GENERAL REVENUE FUND		\$ 369,669,156	\$ 389,282,941	28280
	DEPARTMENT TOTAL				28281
	GENERAL SERVICES FUND GROUP		\$ 1,172,177	\$ 1,022,177	28282
	DEPARTMENT TOTAL				28283
	FEDERAL SPECIAL REVENUE FUND GROUP		\$ 610,780,538	\$ 658,082,406	28284
	DEPARTMENT TOTAL				28285
	STATE SPECIAL REVENUE FUND GROUP		\$ 192,359,213	204,307,651	28286
				<u>205,307,651</u>	
	TOTAL DEPARTMENT OF MENTAL				28287
	RETARDATION AND DEVELOPMENTAL				28288
	DISABILITIES		\$ 1,173,981,084	\$ 1,252,695,175	28289
				<u>1,253,695,175</u>	

Sec. 337.40.15. GALLIPOLIS DEVELOPMENTAL CENTER PILOT PROGRAM 28291
28292

The Director of Mental Retardation and Developmental 28293
Disabilities shall establish, ~~as part of the Individual Options~~ 28294
~~Medicaid Waiver program,~~ a pilot program ~~to be operated~~ during 28295
calendar year 2009 under which the Gallipolis Developmental Center 28296
~~provides home and community based services under the Individual~~ 28297
~~Options Medicaid waiver program to not more than ten individuals~~ 28298
~~at one time~~ operates an intermediate care facility for the 28299
mentally retarded with eight beds at a site separate from the 28300
grounds of the developmental center. The Gallipolis Developmental 28301
Center may operate the intermediate care facility for the mentally 28302

retarded notwithstanding section 5123.196 of the Revised Code. 28303
Money shall be expended on the pilot program beginning in the 28304
first half of calendar year 2009. 28305

~~The pilot program shall be operated in a manner consistent~~ 28306
~~with the terms of the consent order filed March 5, 2007, in *Martin*~~ 28307
~~*v. Strickland*, Case No. 89 CV 00362, in the United States District~~ 28308
~~Court for the Southern District of Ohio, Eastern Division. The~~ 28309
~~pilot program also shall be operated in accordance with the~~ 28310
~~federal Medicaid waiver authorizing the Individual Options~~ 28311
~~Medicaid waiver program. Only individuals eligible for the~~ 28312
~~Individual Options Medicaid waiver program who volunteer to~~ 28313
~~receive home and community based services under the Individual~~ 28314
~~Options Medicaid waiver program from the Gallipolis Developmental~~ 28315
~~Center may participate in the pilot program. The Director of~~ 28316
Mental Retardation and Developmental Disabilities and the Director 28317
of Job and Family Services shall provide the Gallipolis 28318
Developmental Center technical assistance ~~the Center needs~~ 28319
regarding the pilot program. 28320

~~All expenses the Gallipolis Developmental Center incurs in~~ 28321
~~participating in the pilot program shall be paid from the Medicaid~~ 28322
~~payments the Center receives for providing home and~~ 28323
~~community based services under the program.~~ 28324

The Director of Mental Retardation and Developmental 28325
Disabilities shall conduct an evaluation of the pilot program, 28326
including an evaluation of the quality and effectiveness of the 28327
~~home and community based~~ services the Gallipolis Developmental 28328
Center provides under the pilot program. The Director shall submit 28329
a report of the evaluation to the Governor and the General 28330
Assembly not later than April 1, 2010. The Director shall include 28331
in the report recommendations ~~for or against permitting the~~ 28332
~~Gallipolis Developmental Center to continue to provide home and~~ 28333
~~community based services under the Individual Options Medicaid~~ 28334

~~waiver program and permitting other developmental centers to begin~~ 28335
~~to provide these services regarding the continuation of the pilot~~ 28336
~~program and whether other developmental centers should be~~ 28337
~~permitted to establish and operate intermediate care facilities~~ 28338
~~for the mentally retarded at sites separate from the grounds of~~ 28339
~~the developmental centers.~~ 28340

Sec. 369.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO 28341

General Services Fund Group 28342

5F6 870-622 Utility and Railroad \$ 32,820,027 \$ 33,804,627 28343
 Regulation

5F6 870-624 NARUC/NRRI Subsidy \$ 158,000 \$ 158,000 28344

5F6 870-625 Motor Transportation \$ 4,635,413 \$ 4,772,765 28345
 Regulation

TOTAL GSF General Services 28346

Fund Group \$ 37,613,440 \$ 38,735,392 28347

Federal Special Revenue Fund Group 28348

3V3 870-604 Commercial Vehicle \$ 300,000 \$ 300,000 28349
 Information

Systems/Networks

333 870-601 Gas Pipeline Safety \$ 597,957 \$ 597,959 28350

350 870-608 Motor Carrier Safety \$ 7,137,534 \$ 7,351,660 28351

TOTAL FED Federal Special Revenue 28352

Fund Group \$ 8,035,491 \$ 8,249,619 28353

State Special Revenue Fund Group 28354

4A3 870-614 Grade Crossing \$ 1,349,757 \$ 1,349,757 28355
 Protection

Devices-State

4L8 870-617 Pipeline Safety-State \$ 187,621 \$ 187,621 28356

4S6 870-618 Hazardous Material \$ 464,325 \$ 464,325 28357

Registration

4S6 870-621 Hazardous Materials \$ 373,346 \$ 373,346 28358

		Base State				
		Registration				
4U8	870-620	Civil Forfeitures	\$	284,986	\$	284,986 28359
5BP	870-623	Wireless 9-1-1	\$	26,875,000	\$	13,375,000 28360
		Administration				
<u>505</u>	<u>870-626</u>	<u>Telecommunication</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>5,000,000</u> 28361
		<u>Relay Service</u>				
559	870-605	Public Utilities	\$	4,000	\$	4,000 28362
		Territorial				
		Administration				
560	870-607	Public Utilities	\$	100,000	\$	100,000 28363
		Investigations				
561	870-606	Power Siting Board	\$	404,651	\$	404,652 28364
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000 28365
661	870-612	Hazardous Materials	\$	900,000	\$	900,000 28366
		Transportation				
TOTAL SSR		State Special Revenue				28367
Fund Group			\$	30,983,686	\$	17,483,687 28368
						<u>22,483,687</u> 28369
Agency Fund Group						28370
4G4	870-616	Base State	\$	2,000,000	\$	0 28371
		Registration Program				
TOTAL AGY		Agency Fund Group	\$	2,000,000	\$	0 28372
TOTAL ALL BUDGET FUND GROUPS			\$	78,632,617	\$	64,468,698 28373
						<u>69,468,698</u> 28374
		COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT				28375
		The fund created by section 4923.26 of the Revised Code is				28376
		the same fund, with a new name, as the Commercial Vehicle				28377
		Information Systems and Networks Fund (Fund 3V3).				28378
		ENHANCED AND WIRELESS ENHANCED 9-1-1				28379
		The foregoing appropriation item 870-623, Wireless 9-1-1				28380
		Administration, shall be used pursuant to section 4931.63 of the				28381

Revised Code. 28382

TELECOMMUNICATIONS RELAY SERVICE FUNDING 28383

The Telecommunications Relay Service Fund is hereby created 28384
in the state treasury. The vendor selected to provide 28385
telecommunications relay service in Ohio, as required by 47 C.F.R. 28386
64.601, shall submit an invoice to the Public Utilities Commission 28387
by January 31, 2009, for costs it has incurred in providing the 28388
service during calendar year 2008. The Public Utilities Commission 28389
shall notify the Director of Budget and Management of the amount 28390
invoiced, and the Director of Budget and Management shall transfer 28391
that amount from the Public Utilities Fund (Fund 5F6) to the 28392
Telecommunications Relay Service Fund on or before February 28, 28393
2009. The amount transferred shall be used to pay the 28394
telecommunications relay service vendor the amount invoiced. This 28395
amount is hereby appropriated. 28396

Sec. 375.10. BOR BOARD OF REGENTS 28397

General Revenue Fund 28398

GRF 235-321	Operating Expenses	\$	3,141,351	\$	3,141,351	28399
GRF 235-401	Lease Rental Payments	\$	203,177,900	\$	136,017,500	28400
GRF 235-402	Sea Grants	\$	300,000	\$	300,000	28401
GRF 235-406	Articulation and Transfer	\$	2,900,000	\$	2,900,000	28402
GRF 235-408	Midwest Higher Education Compact	\$	95,000	\$	95,000	28403
GRF 235-409	Information System	\$	1,175,172	\$	1,175,172	28404
GRF 235-414	State Grants and Scholarship Administration	\$	1,707,881	\$	1,707,881	28405
GRF 235-415	Jobs Challenge	\$	9,348,300	\$	9,348,300	28406
GRF 235-417	Ohio Learning Network	\$	3,119,496	\$	3,119,496	28407
GRF 235-418	Access Challenge	\$	66,585,769	\$	66,585,769	28408

GRF 235-420	Success Challenge	\$	53,653,973	\$	53,653,973	28409
GRF 235-428	Appalachian New Economy Partnership	\$	1,176,068	\$	1,176,068	28410
GRF 235-433	Economic Growth Challenge	\$	17,186,194	\$	17,186,194	28411
GRF 235-434	College Readiness and Access	\$	12,655,425	\$	12,655,425	28412
GRF 235-435	Teacher Improvement Initiatives	\$	4,797,506	\$	11,297,506	28413
GRF 235-436	AccelerateOhio	\$	1,250,000	\$	2,500,000	28414
GRF 235-438	Choose Ohio First Scholarship	\$	50,000,000	\$	50,000,000	28415
GRF 235-439	Ohio Research Scholars	\$	30,000,000	\$	0	28416
GRF 235-451	Eminent Scholars	\$	0	\$	1,000,000	28417
GRF 235-455	EnterpriseOhio Network	\$	1,373,941	\$	1,373,941	28418
GRF 235-474	Area Health Education Centers Program Support	\$	1,571,756	\$	1,571,756	28419
GRF 235-501	State Share of Instruction	\$	1,678,877,952	\$	1,842,965,747	28420
GRF 235-502	Student Support Services	\$	795,790	\$	795,790	28421
GRF 235-503	Ohio Instructional Grants	\$	42,533,966	\$	18,315,568	28422
GRF 235-504	War Orphans Scholarships	\$	4,812,321	\$	4,812,321	28423
GRF 235-507	OhioLINK	\$	7,387,824	\$	7,387,824	28424
GRF 235-508	Air Force Institute of Technology	\$	2,050,345	\$	2,050,345	28425
GRF 235-510	Ohio Supercomputer Center	\$	4,271,195	\$	4,271,195	28426
GRF 235-511	Cooperative Extension Service	\$	26,273,260	\$	26,273,260	28427

GRF 235-513	Ohio University Voinovich Center	\$	669,082	\$	669,082	28428
GRF 235-514	Central State Supplement	\$	11,756,414	\$	12,109,106	28429
GRF 235-515	Case Western Reserve University School of Medicine	\$	3,011,271	\$	3,011,271	28430
GRF 235-518	Capitol Scholarship Program	\$	125,000	\$	125,000	28431
GRF 235-519	Family Practice	\$	4,548,470	\$	4,548,470	28432
GRF 235-520	Shawnee State Supplement	\$	2,502,323	\$	2,577,393	28433
GRF 235-521	The Ohio State University John Glenn School of Public Affairs	\$	619,082	\$	619,082	28434
GRF 235-524	Police and Fire Protection	\$	171,959	\$	171,959	28435
GRF 235-525	Geriatric Medicine	\$	750,110	\$	750,110	28436
GRF 235-526	Primary Care Residencies	\$	2,245,688	\$	2,245,688	28437
GRF 235-527	Ohio Aerospace Institute	\$	1,764,957	\$	1,764,957	28438
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000	28439
GRF 235-531	Student Choice Grants	\$	38,485,376	\$	38,485,376	28440
GRF 235-535	Ohio Agricultural Research and Development Center	\$	37,174,292	\$	37,174,292	28441
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885	28442
GRF 235-537	University of Cincinnati Clinical	\$	11,157,756	\$	11,157,756	28443

	Teaching					
GRF 235-538	University of Toledo	\$	8,696,866	\$	8,696,866	28444
	Clinical Teaching					
GRF 235-539	Wright State	\$	4,225,107	\$	4,225,107	28445
	University Clinical					
	Teaching					
GRF 235-540	Ohio University	\$	4,084,540	\$	4,084,540	28446
	Clinical Teaching					
GRF 235-541	Northeastern Ohio	\$	4,200,945	\$	4,200,945	28447
	Universities College					
	of Medicine Clinical					
	Teaching					
GRF 235-543	Ohio College of	\$	100,000	\$	100,000	28448
	Podiatric Medicine					
	Clinic Subsidy					
GRF 235-547	School of	\$	450,000	\$	650,000	28449
	International Business					
GRF 235-552	Capital Component	\$	19,306,442	\$	19,306,442	28450
			<u>19,789,868</u>		<u>19,789,868</u>	
GRF 235-553	Dayton Area Graduate	\$	2,931,599	\$	2,931,599	28451
	Studies Institute					
GRF 235-554	Priorities in	\$	2,355,548	\$	2,355,548	28452
	Collaborative Graduate					
	Education					
GRF 235-555	Library Depositories	\$	1,696,458	\$	1,696,458	28453
GRF 235-556	Ohio Academic	\$	3,727,223	\$	3,727,223	28454
	Resources Network					
GRF 235-558	Long-term Care	\$	461,047	\$	461,047	28455
	Research					
GRF 235-561	Bowling Green State	\$	100,015	\$	100,015	28456
	University Canadian					
	Studies Center					
GRF 235-563	Ohio College	\$	139,974,954	\$	151,113,781	28457

	Opportunity Grant					
GRF 235-567	Central State	\$	4,400,000	\$	3,800,000	28458
	University Speed to Scale					
GRF 235-571	James A. Rhodes	\$	10,000,000	\$	0	28459
	Scholarship					
GRF 235-572	The Ohio State	\$	1,277,019	\$	1,277,019	28460
	University Clinic Support					
GRF 235-573	Ohio Humanities	\$	25,000	\$	25,000	28461
	Council					
GRF 235-583	Urban University	\$	5,825,937	\$	5,825,937	28462
	Program					
GRF 235-587	Rural University	\$	1,159,889	\$	1,159,889	28463
	Projects					
GRF 235-596	Hazardous Materials	\$	360,435	\$	360,435	28464
	Program					
GRF 235-599	National Guard	\$	16,611,063	\$	16,611,063	28465
	Scholarship Program					
GRF 235-909	Higher Education	\$	172,722,400	\$	208,747,200	28466
	General Obligation Debt Service					
TOTAL GRF	General Revenue Fund	\$	2,773,258,537	\$	2,861,908,923	28467
			<u>2,773,741,963</u>		<u>2,862,392,349</u>	
	General Services Fund Group					28468
220 235-614	Program Approval and	\$	800,000	\$	800,000	28469
	Reauthorization					
456 235-603	Sales and Services	\$	700,000	\$	700,000	28470
TOTAL GSF	General Services					28471
Fund Group		\$	1,500,000	\$	1,500,000	28472
	Federal Special Revenue Fund Group					28473
3BG 235-626	Star Schools	\$	2,980,865	\$	2,990,746	28474

3H2	235-608	Human Services Project	\$	3,000,000	\$	3,000,000	28475
3H2	235-622	Medical Collaboration Network	\$	3,346,144	\$	3,346,144	28476
3N6	235-605	State Student Incentive Grants	\$	2,196,680	\$	2,196,680	28477
3T0	235-610	National Health Service Corps - Ohio Loan Repayment	\$	250,000	\$	250,000	28478
312	235-609	Tech Prep	\$	183,850	\$	183,850	28479
312	235-611	Gear-up Grant	\$	3,300,000	\$	3,300,000	28480
312	235-612	Carl D. Perkins Grant/Plan Administration	\$	112,960	\$	112,960	28481
312	235-617	Improving Teacher Quality Grant	\$	3,200,000	\$	3,200,000	28482
312	235-621	Science Education Network	\$	1,686,970	\$	1,686,970	28483
TOTAL FED Federal Special Revenue							28484
Fund Group			\$	20,257,469	\$	20,267,350	28485
State Special Revenue Fund Group							28486
4E8	235-602	Higher Educational Facility Commission Administration	\$	50,000	\$	45,000	28487
4P4	235-604	Physician Loan Repayment	\$	476,870	\$	476,870 0	28488
649	235-607	The Ohio State University Highway/Transportation Research	\$	760,000	\$	760,000	28489
682	235-606	Nursing Loan Program	\$	893,000	\$	893,000	28490
5DT	235-627	American Diploma Project	\$	250,000	\$	0	28491
TOTAL SSR State Special Revenue							28492

Fund Group	\$	2,429,870	\$	2,174,870	28493
				<u>1,698,000</u>	
TOTAL ALL BUDGET FUND GROUPS	\$	2,797,445,876	\$	2,885,851,143	28494
		<u>2,797,929,302</u>		<u>2,885,857,699</u>	

Sec. 379.10. RSC REHABILITATION SERVICES COMMISSION 28496

General Revenue Fund 28497

GRF 415-100 Personal Services \$ 8,851,468 \$ 8,851,468 28498

GRF 415-402 Independent Living \$ 450,000 \$ 450,000 28499
 Council

GRF 415-406 Assistive Technology \$ 47,531 \$ 47,531 28500

GRF 415-431 Office for People \$ 226,012 \$ 226,012 28501
 with Brain Injury

GRF 415-506 Services for People \$ 16,959,541 \$ 17,259,541 28502
 with Disabilities

GRF 415-508 Services for the Deaf \$ 50,000 \$ 50,000 28503

TOTAL GRF General Revenue Fund \$ 26,584,552 \$ 26,884,552 28504

General Services Fund Group 28505

4W5 415-606 Program Management \$ 18,123,188 \$ 18,557,040 28506
 Expenses

467 415-609 Business Enterprise \$ 1,632,082 \$ 1,632,082 28507
 Operating Expenses

TOTAL GSF General Services 28508

Fund Group \$ 19,755,270 \$ 20,189,122 28509

Federal Special Revenue Fund Group 28510

3L1 415-601 Social Security \$ 3,743,740 \$ 3,743,740 28511
 Personal Care
 Assistance

3L1 415-605 Social Security \$ 750,000 \$ 750,000 28512
 Community Centers for
 the Deaf

3L1 415-608 Social Security \$ 1,506,260 \$ 1,506,260 28513

		Vocational Rehabilitation					
3L4	415-612	Federal Independent Living Centers or Services	\$	648,908	\$	648,908	28514
3L4	415-615	Federal - Supported Employment	\$	884,451	\$	796,006	28515
3L4	415-617	Independent Living/Vocational Rehabilitation Programs	\$	1,490,944	\$	1,490,944	28516
317	415-620	Disability Determination	\$	82,808,006	\$	87,546,215	28517
379	415-616	Federal - Vocational Rehabilitation	\$	122,484,545	\$	123,638,578	28518
TOTAL FED Federal Special Revenue Fund Group							28519
			\$	214,316,854	\$	220,120,651	28520
State Special Revenue Fund Group							28521
4L1	415-619	Services for Rehabilitation	\$	3,765,337	\$	4,500,000	28522
468	415-618	Third Party Funding	\$	906,910	\$	906,910	28523
TOTAL SSR State Special Revenue Fund Group							28524
			\$	4,672,247	\$	5,406,910	28525
TOTAL ALL BUDGET FUND GROUPS							28526
			\$	265,328,923	\$	272,601,235	28526
INDEPENDENT LIVING COUNCIL							28527
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.							28528 28529 28530 28531 28532 28533 28534

OFFICE FOR PEOPLE WITH BRAIN INJURY 28535

Of the foregoing appropriation item 415-431, Office for 28536
People with Brain Injury, up to \$50,000 in each fiscal year shall 28537
be used for the state match for a federal grant awarded through 28538
the Traumatic Brain Injury Act, Pub. L. No. 104-166, and up to 28539
\$50,000 in each fiscal year shall be provided to the Brain Injury 28540
Trust Fund. The remaining appropriation shall be used to plan and 28541
coordinate head-injury-related services provided by state agencies 28542
and other government or private entities, to assess the needs for 28543
such services, and to set priorities in this area. 28544

VOCATIONAL REHABILITATION SERVICES 28545

The foregoing appropriation item 415-506, Services for People 28546
with Disabilities, shall be used as state matching funds to 28547
provide vocational rehabilitation services to eligible consumers. 28548

PROGRAM MANAGEMENT EXPENSES 28549

The foregoing appropriation item 415-606, Program Management 28550
Expenses, shall be used to support the administrative functions of 28551
the commission related to the provision of vocational 28552
rehabilitation, disability determination services, and ancillary 28553
programs. 28554

NATIONAL ACCREDITATION COMPLIANCE 28555

Of the foregoing appropriation item 415-616, Federal - 28556
Vocational Rehabilitation, ~~\$125,000 in each fiscal year~~ \$250,000 28557
over the biennium shall be used to establish and implement a 28558
Community Rehabilitation Program national accreditation compliance 28559
and monitoring program administered by the Ohio Association of 28560
Rehabilitation Facilities. 28561

Not later than 30 days after the effective date of this 28562
amendment, the Rehabilitation Services Commission shall enter into 28563
a contract or other agreement that complies with 34 CRF 361.3(b) 28564

and 34 CRF 361.5(b)(2) with the Ohio Association of Rehabilitation 28565
Facilities and convey the funds to establish and implement the 28566
Community Rehabilitation Program national accreditation compliance 28567
and monitoring program. 28568

CLEVELAND SIGHT CENTER 28569

Of the foregoing appropriation item 415-616, Federal - 28570
Vocational Rehabilitation, \$100,000 in each fiscal year shall be 28571
provided to the Cleveland Sight Center for Technology Initiative 28572
to purchase adaptive technology and software for the employment of 28573
Ohioans who are blind or visually impaired. 28574

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 28575

The foregoing appropriation item 415-617, Independent 28576
Living/Vocational Rehabilitation Programs, shall be used to 28577
support vocational rehabilitation programs. 28578

SOCIAL SECURITY REIMBURSEMENT FUNDS 28579

Reimbursement funds received from the Social Security 28580
Administration, United States Department of Health and Human 28581
Services, for the costs of providing services and training to 28582
return disability recipients to gainful employment shall be used 28583
in the Social Security Reimbursement Fund (Fund 3L1), to the 28584
extent funds are available, as follows: 28585

(A) Appropriation item 415-601, Social Security Personal Care 28586
Assistance, to provide personal care services in accordance with 28587
section 3304.41 of the Revised Code; 28588

(B) Appropriation item 415-608, Social Security Vocational 28589
Rehabilitation, to provide vocational rehabilitation services to 28590
individuals with severe disabilities who are Social Security 28591
beneficiaries, to enable them to achieve competitive employment. 28592
This appropriation item also includes funds to assist the Personal 28593
Care Assistance Program to pay its share of indirect costs as 28594

mandated by federal OMB Circular A-87. 28595

PERFORMANCE AUDIT 28596

The Auditor of State shall complete a performance audit of 28597
the Rehabilitation Services Commission. Upon completing the 28598
performance audit, the Auditor of State shall submit a report of 28599
the findings of the audit to the Governor, the President of the 28600
Senate, the Speaker of the House of Representatives, and the Board 28601
of Rehabilitation Services Commission. Expenses incurred by the 28602
Auditor of State to conduct the performance audit shall be 28603
reimbursed by the Rehabilitation Services Commission. 28604

INTERNAL REVIEW 28605

The Administrator of the Rehabilitation Services Commission 28606
shall consult with the Director of Budget and Management and 28607
representatives of local rehabilitation services agencies to 28608
conduct an internal review of policies and procedures to increase 28609
efficiency and identify and eliminate duplicative practices. Any 28610
savings identified as a result of the internal review or the 28611
performance audit conducted by the Auditor of State shall be used 28612
for community-based care. 28613

The Administrator of the Rehabilitation Services Commission 28614
shall seek Controlling Board approval before expending any funds 28615
identified as a result of the internal review or the performance 28616
audit. 28617

Sec. 393.10. SOS SECRETARY OF STATE 28618

General Revenue Fund 28619

GRF	050-321	Operating Expenses	\$	2,585,000	\$	2,585,000	28620
GRF	050-403	Election Statistics	\$	103,936	\$	103,936	28621
GRF	050-407	Pollworkers Training	\$	277,997	\$	277,997	28622
GRF	050-409	Litigation	\$	4,652	\$	4,652	28623

Expenditures

GRF	<u>050-505</u>	<u>County Postage</u>	\$	<u>0</u>	\$	<u>3,000,000</u>	28624
		<u>Reimbursement</u>					
TOTAL GRF	General Revenue Fund		\$	2,971,585	\$	2,971,585	28625
						<u>5,971,585</u>	
General Services Fund Group							28626
4S8	050-610	Board of Voting	\$	7,200	\$	7,200	28627
		Machine Examiners					
412	050-609	Notary Commission	\$	685,249	\$	685,249	28628
413	050-601	Information Systems	\$	119,955	\$	119,955	28629
414	050-602	Citizen Education	\$	55,712	\$	55,712	28630
		Fund					
TOTAL	General Services Fund Group		\$	868,116	\$	868,116	28631
Federal Special Revenue Fund Group							28632
3AH	050-614	Election Reform/Health	\$	1,000,000	\$	1,000,000	28633
		and Human Services					
3AS	050-616	2005 HAVA Voting	\$	4,750,000	\$	2,750,000	28634
		Machines					
3X4	050-612	Ohio Center/Law	\$	41,000	\$	41,000	28635
		Related Educational					
		Grant					
TOTAL FED	Federal Special Revenue						28636
Fund Group			\$	5,791,000	\$	3,791,000	28637
State Special Revenue Fund Group							28638
5N9	050-607	Technology	\$	129,565	\$	129,565	28639
		Improvements					
599	050-603	Business Services	\$	13,761,734	\$	13,761,734	28640
		Operating Expenses					
TOTAL SSR	State Special Revenue						28641
Fund Group			\$	13,891,299	\$	13,891,299	28642
Holding Account Redistribution Fund Group							28643
R01	050-605	Uniform Commercial	\$	30,000	\$	30,000	28644
		Code Refunds					

R02	050-606	Corporate/Business	\$	85,000	\$	85,000	28645
		Filing Refunds					
TOTAL	090	Holding Account					28646
Redistribution		Fund Group	\$	115,000	\$	115,000	28647
TOTAL ALL BUDGET FUND GROUPS			\$	23,637,000	\$	21,637,000	28648
						<u>24,637,000</u>	

COUNTY POSTAGE REIMBURSEMENT 28649

The foregoing appropriation item 050-505, County Postage Reimbursement, shall be used to pay costs incurred by boards of elections to mail an absent voter's ballot application to each elector who is required to receive a notice under section 3501.19 of the Revised Code for the November 4, 2008, general election. The foregoing appropriation also shall be used to pay return postage for absent voter's ballot applications returned by electors who wish to vote by absent voter's ballot at that election. Absent voter's ballot applications required to be mailed by a board of elections shall be mailed in conjunction with the notice of election required under section 3501.19 of the Revised Code. The Secretary of State shall establish a method by which funds for mailing absent voter's ballot applications are made available to boards of elections in advance of the required mailing. 28650-28664

BOARD OF VOTING MACHINE EXAMINERS 28665

The foregoing appropriation item 050-610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund, which is created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting the equipment for examination. If it is determined that additional appropriations are necessary, such amounts are appropriated. 28666-28674

2005 HAVA VOTING MACHINES 28675

Of the foregoing appropriation item 050-616, 2005 HAVA Voting 28676
Machines, in fiscal year 2008 \$15,000 shall be distributed to the 28677
Vinton County Board of Elections and \$15,000 shall be distributed 28678
to the Morgan County Board of Elections to be used for emergency 28679
assistance for elections. 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 3AS, appropriation 28683
item 050-616, 2005 HAVA Voting Machines, for use in fiscal year 28684
2009. The transferred amount is hereby appropriated. 28685

On July 1, 2008, or as soon as possible thereafter, the 28686
Director of Budget and Management shall transfer any remaining 28687
unexpended, unencumbered appropriations in Fund 3AH, appropriation 28688
item 050-614, Election Reform/Health and Human Services Fund, for 28689
use in fiscal year 2009. The transferred amount is hereby 28690
appropriated. 28691

Ongoing interest earnings from the federal Election 28692
Reform/Health and Human Services Fund (Fund 3AH) and the 2005 HAVA 28693
Voting Machines Fund (Fund 3AS) shall be credited to the 28694
respective funds and distributed in accordance with the terms of 28695
the grant under which the money is received. 28696

HOLDING ACCOUNT REDISTRIBUTION GROUP 28697

The foregoing appropriation items 050-605 and 050-606, 28698
Holding Account Redistribution Fund Group, shall be used to hold 28699
revenues until they are directed to the appropriate accounts or 28700
until they are refunded. If it is determined that additional 28701
appropriations are necessary, such amounts are appropriated. 28702

Sec. 405.10. TAX DEPARTMENT OF TAXATION 28703

General Revenue Fund 28704

GRF 110-321	Operating Expenses	\$	92,040,062	\$	92,440,062	28705
GRF 110-404	Tobacco Settlement	\$	0	\$	328,034	28706
	Enforcement					
GRF 110-412	Child Support	\$	71,680	\$	71,680	28707
	Administration					
GRF 110-901	Property Tax	\$	446,953,165	\$	478,613,618	28708
	Allocation - Taxation					
GRF 110-906	Tangible Tax Exemption	\$	9,177,962	\$	4,588,981	28709
	- Taxation					
TOTAL GRF	General Revenue Fund	\$	548,242,869	\$	576,042,375	28710
	General Services Fund Group					28711
433 110-602	Tape File Account	\$	125,000	\$	140,000	28712
5BQ 110-629	Commercial Activity	\$	6,000,000	\$	6,000,000	28713
	Tax Administration					
5W4 110-625	Centralized Tax	\$	400,000	\$	200,000	28714
	Filing and Payment					
5W7 110-627	Exempt Facility	\$	100,000	\$	150,000	28715
	Administration					
5CZ 110-631	Vendor's License	\$	1,000,000	\$	1,000,000	28716
	Application					
TOTAL GSF	General Services					28717
Fund Group		\$	7,625,000	\$	7,490,000	28718
	State Special Revenue Fund Group					28719
4C6 110-616	International	\$	706,855	\$	706,855	28720
	Registration Plan					
4R6 110-610	Tire Tax	\$	125,000	\$	150,000	28721
	Administration					
435 110-607	Local Tax	\$	17,250,000	\$	17,250,000	28722
	Administration					
436 110-608	Motor Vehicle Audit	\$	1,200,000	\$	1,200,000	28723
437 110-606	Litter Tax and Natural	\$	675,000	\$	800,000	28724
	Resource Tax					

		Administration				
438	110-609	School District Income	\$	3,600,000	\$	3,600,000 28725
		Tax				
<u>5AP0</u>	<u>110632</u>	<u>Discovery Project</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>2,000,000</u> 28726
5N5	110-605	Municipal Income Tax	\$	500,000	\$	500,000 28727
		Administration				
5N6	110-618	Kilowatt Hour Tax	\$	125,000	\$	175,000 28728
		Administration				
5V7	110-622	Motor Fuel Tax	\$	4,700,000	\$	5,000,000 28729
		Administration				
5V8	110-623	Property Tax	\$	13,500,000	\$	13,500,000 28730
		Administration				
639	110-614	Cigarette Tax	\$	100,000	\$	100,000 28731
		Enforcement				
642	110-613	Ohio Political Party	\$	600,000	\$	600,000 28732
		Distributions				
688	110-615	Local Excise Tax	\$	210,000	\$	180,000 28733
		Administration				
TOTAL SSR		State Special Revenue				28734
Fund Group			\$	43,291,855	\$	43,761,855 28735
						<u>45,761,855</u> 28736
Agency Fund Group						28737
095	110-995	Municipal Income Tax	\$	21,000,000	\$	21,000,000 28738
425	110-635	Tax Refunds	\$	1,565,900,000	\$	1,546,800,000 28739
TOTAL AGY		Agency Fund Group	\$	1,586,900,000	\$	1,567,800,000 28740
Holding Account Redistribution Fund Group						28741
R10	110-611	Tax Distributions	\$	50,000	\$	50,000 28742
R11	110-612	Miscellaneous Income	\$	50,000	\$	50,000 28743
		Tax Receipts				
TOTAL 090		Holding Account				28744
Redistribution Fund Group			\$	100,000	\$	100,000 28745
TOTAL ALL BUDGET FUND GROUPS			\$	2,186,159,724	\$	2,195,194,230 28746

2,197,194,230 28747

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX 28748
EXEMPTION 28749

The foregoing appropriation item 110-901, Property Tax 28750
Allocation - Taxation, is hereby appropriated to pay for the 28751
state's costs incurred because of the Homestead Exemption, the 28752
Manufactured Home Property Tax Rollback, and the Property Tax 28753
Rollback. The Tax Commissioner shall distribute these funds 28754
directly to the appropriate local taxing districts, except for 28755
school districts, notwithstanding the provisions in sections 28756
321.24 and 323.156 of the Revised Code, which provide for payment 28757
of the Homestead Exemption, the Manufactured Home Property Tax 28758
Rollback, and Property Tax Rollback by the Tax Commissioner to the 28759
appropriate county treasurer and the subsequent redistribution of 28760
these funds to the appropriate local taxing districts by the 28761
county auditor. 28762

The foregoing appropriation item 110-906, Tangible Tax 28763
Exemption - Taxation, is hereby appropriated to pay for the 28764
state's costs incurred because of the tangible personal property 28765
tax exemption required by division (C)(3) of section 5709.01 of 28766
the Revised Code. The Tax Commissioner shall distribute to each 28767
county treasurer the total amount appearing in the notification 28768
from the county treasurer under division (G) of section 321.24 of 28769
the Revised Code for all local taxing districts located in the 28770
county except for school districts, notwithstanding the provision 28771
in section 321.24 of the Revised Code which provides for payment 28772
of the \$10,000 tangible personal property tax exemption by the Tax 28773
Commissioner to the appropriate county treasurer for all local 28774
taxing districts located in the county including school districts. 28775
The county auditor shall distribute the amount paid by the Tax 28776
Commissioner among the appropriate local taxing districts except 28777
for school districts under division (G) of section 321.24 of the 28778

Revised Code. 28779

Upon receipt of these amounts, each local taxing district 28780
shall distribute the amount among the proper funds as if it had 28781
been paid as real or tangible personal property taxes. Payments 28782
for the costs of administration shall continue to be paid to the 28783
county treasurer and county auditor as provided for in sections 28784
319.54, 321.26, and 323.156 of the Revised Code. 28785

Any sums, in addition to the amounts specifically 28786
appropriated in appropriation items 110-901, Property Tax 28787
Allocation - Taxation, for the Homestead Exemption, the 28788
Manufactured Home Property Tax Rollback, and the Property Tax 28789
Rollback payments, and 110-906, Tangible Tax Exemption - Taxation, 28790
for the \$10,000 tangible personal property tax exemption payments, 28791
which are determined to be necessary for these purposes, are 28792
hereby appropriated. 28793

TAX DEPARTMENT DISCOVERY PROJECT 28794

On July 1, 2008, or as soon thereafter as possible, the 28795
Director of Budget and Management shall transfer \$2,000,000 in 28796
cash from the General Revenue Fund to appropriation item 110632, 28797
Discovery Project (Fund 5APO), to acquire the necessary hardware, 28798
software, and services to establish and implement a tax discovery 28799
data system and for expenses incurred by the Department of 28800
Taxation to administer the system. The amount transferred is 28801
hereby appropriated in appropriation item 110632, Discovery 28802
Project, for fiscal year 2009. 28803

If, at any time during fiscal year 2009, the Tax Commissioner 28804
determines that additional cash transfers are necessary in 28805
appropriation item 110632, Discovery Project, to pay the actual 28806
costs of the tax discovery data system and other expenses the 28807
Department incurs attributable to the system in fiscal year 2009, 28808
the Tax Commissioner may request that the Director of Budget and 28809

<u>Management increase such amounts. Such amounts are hereby</u>	28810
<u>appropriated, with the approval of the Director of Budget and</u>	28811
<u>Management.</u>	28812
MUNICIPAL INCOME TAX	28813
The foregoing appropriation item 110-995, Municipal Income	28814
Tax, shall be used to make payments to municipal corporations	28815
under section 5745.05 of the Revised Code. If it is determined	28816
that additional appropriations are necessary to make these	28817
payments, such amounts are hereby appropriated.	28818
TAX REFUNDS	28819
The foregoing appropriation item 110-635, Tax Refunds, shall	28820
be used to pay refunds under section 5703.052 of the Revised Code.	28821
If it is determined that additional appropriations are necessary	28822
for this purpose, such amounts are hereby appropriated.	28823
INTERNATIONAL REGISTRATION PLAN AUDIT	28824
The foregoing appropriation item 110-616, International	28825
Registration Plan, shall be used under section 5703.12 of the	28826
Revised Code for audits of persons with vehicles registered under	28827
the International Registration Plan.	28828
TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	28829
Of the foregoing appropriation item 110-607, Local Tax	28830
Administration, the Tax Commissioner may disburse funds, if	28831
available, for the purposes of paying travel expenses incurred by	28832
members of Ohio's delegation to the Streamlined Sales Tax Project,	28833
as appointed under section 5740.02 of the Revised Code. Any travel	28834
expense reimbursement paid for by the Department of Taxation shall	28835
be done in accordance with applicable state laws and guidelines.	28836
LITTER CONTROL TAX ADMINISTRATION FUND	28837
Notwithstanding section 5733.12 of the Revised Code, during	28838
the period from July 1, 2007, to June 30, 2008, the amount of	28839

\$675,000, and during the period from July 1, 2008, to June 30, 28840
2009, the amount of \$800,000, received by the Tax Commissioner 28841
under Chapter 5733. of the Revised Code, shall be credited to the 28842
Litter Control Tax Administration Fund (Fund 437). 28843

CENTRALIZED TAX FILING AND PAYMENT FUND 28844

The Director of Budget and Management, under a plan submitted 28845
by the Tax Commissioner, or as otherwise determined by the 28846
Director of Budget and Management, shall set a schedule to 28847
transfer cash from the General Revenue Fund to the credit of the 28848
Centralized Tax Filing and Payment Fund (Fund 5W4). The transfers 28849
of cash shall not exceed \$600,000 in the biennium. 28850

COMMERCIAL ACTIVITY TAX ADMINISTRATION FUND 28851

The foregoing appropriation item 110-629, Commercial Activity 28852
Tax Administration Fund (Fund 5BQ), shall be used to pay expenses 28853
incurred by the Department of Taxation to implement and administer 28854
the Commercial Activity Tax under Chapter 5751. of the Revised 28855
Code. 28856

Notwithstanding section 3734.9010, division (B)(2)(c) of 28857
section 4505.09, division (B) of section 5703.12, section 5703.80, 28858
division (C)(6) of section 5727.81, sections 5733.122 and 28859
5735.053, division (C) of section 5739.21, section 5745.03, 28860
section 5743.024, section 5743.15, division (C) of section 28861
5747.03, and section 5747.113 of the Revised Code or any other 28862
provisions to the contrary, any residual cash balances determined 28863
and certified by the Tax Commissioner to the Director of Budget 28864
and Management shall be transferred on July 1, 2007, or as soon as 28865
possible thereafter, to the Commercial Activities Tax 28866
Administration Fund (Fund 5BQ). 28867

TOBACCO SETTLEMENT ENFORCEMENT 28868

The foregoing appropriation item 110-404, Tobacco Settlement 28869
Enforcement, shall be used by the Tax Commissioner to pay costs 28870

incurred in the enforcement of divisions (F) and (G) of section 28871
5743.03 of the Revised Code. 28872

Sec. 407.10. DOT DEPARTMENT OF TRANSPORTATION 28873

Transportation Modes 28874

General Revenue Fund 28875

GRF 775-451 Public Transportation \$ 16,700,000 \$ 17,000,000 28876
- State

GRF 776-465 Ohio Rail Development \$ 3,700,000 \$ 3,700,000 28877
Commission

GRF 776-466 Railroad \$ 789,600 \$ 789,600 28878
Crossing/Grade
Separation

GRF 777-471 Airport Improvements \$ 3,293,985 \$ 1,794,003 28879
- State

TOTAL GRF General Revenue Fund \$ 24,483,585 \$ 23,283,603 28880

TOTAL ALL BUDGET FUND GROUPS \$ 24,483,585 \$ 23,283,603 28881

~~PUBLIC TRANSPORTATION—STATE~~ 28882

~~Of the foregoing GRF appropriation item 775-451, Public 28883
Transportation—State, \$200,000 in fiscal year 2008 shall be used 28884
for the Cleveland Metropolitan Park District West Creek Project. 28885~~

TRANSPORTATION STUDY 28886

Of the foregoing appropriation item 775-451, Public 28887
Transportation-State, \$50,000 in fiscal year 2008 shall be used 28888
for a Franklin County school transportation study to determine the 28889
feasibility of a countywide pupil transportation system. 28890

~~AIRPORT IMPROVEMENTS~~ 28891

~~Of the foregoing appropriation item 777-471, Airport 28892
Improvements—State, \$1,500,000 in fiscal year 2008 shall be used 28893
for air travel and support and economic development of statewide 28894
airports. The Directors of Development and Transportation may 28895~~

~~enter into one or more interagency agreements between their two 28896
departments as necessary to implement a statewide strategy to 28897
enhance Ohio's airports as centers of regional economic 28898
development. 28899~~

Sec. 512.03. TRANSFERS TO THE GENERAL REVENUE FUND FROM 28900
NON-GRF FUNDS 28901

Notwithstanding any other provision of law to the contrary, 28902
during fiscal years 2008 and 2009, the Director of Budget and 28903
Management is hereby authorized to transfer cash from non-General 28904
Revenue Fund funds that are not constitutionally restricted to the 28905
General Revenue Fund. The total amount of cash transfers made 28906
pursuant to this section to the General Revenue Fund during fiscal 28907
years 2008 and 2009 shall not exceed ~~\$70,000,000~~ \$120,000,000. 28908

Sec. 512.35. DIESEL EMISSIONS REDUCTION AND TRANSIT CAPITAL 28909
GRANT PROGRAMS 28910

~~On the first day of July of each fiscal year or as soon as 28911
possible thereafter, the Director of Budget and Management shall 28912
(1) transfer \$9,817,105 in cash in fiscal year 2008 and 28913
\$10,057,814 in cash in fiscal year 2009 from the Highway Operating 28914
Fund (Fund 002) to the Diesel Emissions Grant Fund established in 28915
section 122.861 of the Revised Code and (2) transfer \$5,000,000 in 28916
each fiscal year from the Highway Operating Fund to the Transit 28917
Capital Fund (Fund 5E7). The amounts transferred are hereby 28918
appropriated. 28919~~

~~The transfer to the Diesel Emissions Grant Fund shall be used 28920
for the administration and oversight of the Diesel Emissions 28921
Reduction Grant Program within the Department of Development. In 28922
There is hereby established in the Highway Operating Fund (Fund 28923
7002) in the Department of Transportation a Diesel Emissions 28924
Reduction Grant Program. The Department of Development shall 28925~~

administer the program and shall solicit, evaluate, score, and 28926
select projects submitted by public and private entities that are 28927
eligible for the federal Congestion Mitigation and Air Quality 28928
(CMAQ) Program. The Department of Transportation shall process 28929
Federal Highway Administration-approved projects as recommended by 28930
the Department of Development. 28931

In addition to the allowable expenditures set forth in 28932
section 122.861 of the Revised Code, Diesel Emissions Reduction 28933
Grant Program funds also may be used to fund projects involving 28934
the purchase or use of hybrid and alternative fuel vehicles that 28935
are allowed under guidance developed by the Federal Highway 28936
Administration for the ~~Congestion Mitigation and Air Quality~~ 28937
~~(CMAQ)~~ CMAQ Program. The Director of Development, in consultation 28938
with the Director of Environmental Protection, shall develop 28939
guidance for distribution of the funds from the Diesel Emissions 28940
Grant Fund. The guidance shall include a method for prioritization 28941
of projects, acceptable technologies, and procedures for awarding 28942
grants and loans. 28943

~~The transfer to the Transit Capital Fund (Fund 5E7) shall be~~ 28944
~~used to supplement the capital portion of the Ohio Public~~ 28945
~~Transportation Grant Program within the Department of~~ 28946
~~Transportation.~~ 28947

These Public entities eligible to receive funds under section 28948
122.861 of the Revised Code and CMAQ shall be reimbursed from the 28949
Department of Transportation's Diesel Emissions Reduction Grant 28950
Program. 28951

Private entities eligible to receive funds under section 28952
122.861 of the Revised Code and CMAQ shall be reimbursed through 28953
transfers of cash from the Department of Transportation's Diesel 28954
Emissions Reduction Grant Program to the Department of 28955
Development's Diesel Emissions Reduction Grant Fund (Fund 3BD0) 28956
established in section 122.861 of the Revised Code. 28957

Appropriation item 195-697, Diesel Emissions Reduction 28958
Grants, is hereby established with an appropriation of \$9,817,105 28959
in fiscal year 2008 and \$10,057,814 in fiscal year 2009. Total 28960
expenditures between both the Departments of Development and 28961
Transportation shall not exceed the appropriated amounts stated in 28962
this section. 28963

On or before June 30, 2008, any unencumbered balance of the 28964
foregoing appropriation item 195-697, Diesel Emissions Reduction 28965
Grants, for fiscal year 2008, less amounts encumbered by the 28966
Department of Transportation for reimbursement of public entities 28967
for fiscal year 2008, is hereby appropriated for the same purposes 28968
for fiscal year 2009. 28969

Up to \$5,000,000 in the Highway Operating Fund (Fund 7002) 28970
shall be used each fiscal year for the Transit Capital Program in 28971
conjunction with funding provided in the Department of 28972
Transportation's budget under the Ohio Public Transportation Grant 28973
Program. 28974

On or before June 30, 2008, any unencumbered balance of the 28975
Transit Capital Program in fiscal year 2008 is hereby appropriated 28976
for the same purposes in fiscal year 2009. 28977

Any cash transfers or allocations under this section 28978
represent CMAQ program moneys within the Department of 28979
Transportation for use by the Diesel Emissions Reduction Grant 28980
Program by the Department of Development and for use by the Ohio 28981
Public Transportation Grant Program by the Ohio Department of 28982
Transportation. These allocations shall not reduce the amount of 28983
such moneys designated for metropolitan planning organizations. 28984

The Director of Development, in consultation with the 28985
Directors of Environmental Protection and Transportation, shall 28986
develop guidance for the administration of the Diesel Emissions 28987
Reduction Grant Program. The guidance shall include a method for 28988

prioritization of projects, acceptable technologies, and 28989
procedures for awarding grants. 28990

Sec. 518.03. BUDGET ADJUSTMENTS TO REFLECT TOBACCO 28991
SECURITIZATION 28992

(A) Notwithstanding any other provision of law to the 28993
contrary, the Director of Budget and Management, periodically on 28994
any date following the issuance of the tobacco obligations 28995
authorized in section 183.51 of the Revised Code and through June 28996
30, 2009, shall: 28997

(1) Determine the amount of appropriation items 235-909, 28998
Higher Education General Obligation Debt Service, and 230-908, 28999
Common Schools General Obligation Debt Service, that are in excess 29000
of the amounts needed to pay all debt service and financing costs 29001
on those obligations payable from each of those items and transfer 29002
all or any portion of that excess appropriation to appropriation 29003
item 200-901, Property Tax Allocation-Education, or 110-901, 29004
Property Tax Allocation-Taxation, or both together as needed for 29005
the purposes of making the state's property tax relief payments to 29006
school districts and counties. 29007

(2) Determine the amount by which interest earnings credited 29008
to Fund 034, Higher Education Improvement Fund, and Fund 032, 29009
School Building Program Assistance Fund, from the investment of 29010
the net proceeds of those tobacco obligations exceed the amount 29011
needed to satisfy appropriations from those funds, transfer all or 29012
part of that excess cash balance to the General Revenue Fund, and 29013
increase appropriation item 200-901, Property Tax 29014
Allocation-Education, or 110-901, Property Tax 29015
Allocation-Taxation, or both together, by up to the amount of cash 29016
so transferred to the General Revenue Fund. 29017

(3) Determine the amount of capital appropriations in 29018
CAP-770, School Building Assistance Program, and transfers of cash 29019

to Fund 5E3, School Facilities Commission, that are necessary to 29020
fully expend the amount of net proceeds deposited into Fund 032, 29021
School Building Program Assistance Fund, from the issuance of 29022
those tobacco obligations, and increase the appropriations for 29023
CAP-770 and appropriation item 230-644, Operating Expenses-School 29024
Facilities Commission, by the necessary amounts. 29025

(4) Determine the amount of additional capital 29026
appropriations, if any necessary to fully expend the amount of net 29027
proceeds deposited from the issuance of those tobacco obligations 29028
into Fund 034, Higher Education Improvement Fund. 29029

(5) Reduce by up to \$800,000,000 the amount of authorization 29030
to issue and sell general obligations to pay the costs of capital 29031
facilities for a system of common schools throughout the state 29032
granted to the Ohio Public Facilities Commission by prior acts of 29033
the General Assembly. This reduction reflects the utilization of 29034
the net proceeds of those tobacco obligations in place of general 29035
obligation bond proceeds to support capital appropriations payable 29036
from Fund 032, School Building Assistance Fund. 29037

(6) Reduce by up to \$950,000,000 the amount of authorization 29038
to issue and sell general obligations to pay the costs of capital 29039
facilities for state-supported and state-assisted institutions of 29040
higher education granted to the Ohio Public Facilities Commission 29041
by prior acts of the General Assembly. This reduction reflects the 29042
utilization of the net proceeds of those tobacco obligations in 29043
place of general obligation bond proceeds to support capital 29044
appropriations payable from Fund 034, Higher Education Improvement 29045
Fund. 29046

(B) ~~Before~~ Except for transfers to the General Revenue Fund 29047
in accordance with division (A)(2) of this section, before the 29048
Office of Budget and Management transfers or increases or 29049
decreases any appropriations or authorizations described in 29050
division (A) of this section, the Office of Budget and Management 29051

shall seek Controlling Board approval. 29052

Section 610.41. That existing Sections 207.20.50, 207.20.70, 29053
207.30.10, 207.30.20, 207.30.30, 235.10, 261.10, 263.10, 29054
263.20.10, 263.30.10, 269.30.30, 269.30.70, 269.40.50, 269.50.30, 29055
275.10, 293.10, 299.10, 309.10, 309.30.13, 309.30.30, 309.30.40, 29056
309.30.41, 309.30.42, 309.40.33, 337.30, 337.30.43, 337.40, 29057
337.40.15, 369.10, 375.10, 379.10, 393.10, 405.10, 407.10, 512.03, 29058
512.35, and 518.03 of Am. Sub. H.B. 119 of the 127th General 29059
Assembly are hereby repealed. 29060

Section 610.50. That Sections 101.10, 103.80.50, 201.30, 29061
201.50, 301.20.20, 301.20.80, 401.11, and 401.71 of H.B. 496 of 29062
the 127th General Assembly be amended to read as follows: 29063

Sec. 101.10. All items set forth in this section are hereby 29064
appropriated out of any moneys in the General Revenue Fund (GRF) 29065
that are not otherwise appropriated: 29066

Reappropriations

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES			29067
C10002	Rural Areas Community Improvements	\$ 20,000	29068
C10008	Urban Areas Community Improvements	\$ 868,900	29069
Total Department of Administrative Services			\$ 888,900 29070
TOTAL GRF General Revenue Fund			\$ 888,900 29071

RURAL AREAS COMMUNITY IMPROVEMENTS 29072

The foregoing appropriation item C10002, Rural Areas 29073
Community Improvements, shall be granted for the Red Mill Creek 29074
Water Retention Basin. 29075

URBAN AREAS COMMUNITY IMPROVEMENTS 29076

From the foregoing appropriation item C10008, Urban Areas 29077
Community Improvements, grants shall be made for the following 29078
projects: \$50,000 for the Brown Senior Center Renovations; 29079

\$100,000 for Project AHEAD Facility Improvements; \$75,000 for the 29080
 J. Frank-Troy Senior Citizens Center; \$23,900 for the Canton 29081
 Jewish Women's Center; ~~\$450,000 for the Gateway Social Services~~ 29082
~~Building;~~ \$200,000 for Pro Football Hall of Fame festival facility 29083
improvements; \$100,000 for the Children's Network of Stark County; 29084
\$75,000 for the Community Treatment and Correction Center, Inc.; 29085
\$75,000 for Trillium Family Solutions; \$50,000 for the Loew Field 29086
 Improvements; \$20,000 for the Harvard Community Services Center 29087
 Renovation & Expansion; \$20,000 for the Collinwood Community 29088
 Service Center Repair & Renovation; and \$80,000 for Bowman Park - 29089
 City of Toledo. 29090

Reappropriations

Sec. 103.80.50. EXP EXPOSITIONS COMMISSION 29091

C72300	Electric and Lighting Upgrade	\$	112,020	29092
C72301	Land Acquisition	\$	5,240	29093
C72303	Building Renovations - 5	\$	4,576,484	29094
C72305	Facility Improvements and Modernization	\$	131,771	29095
	Plan			
C72309	Masonry Renovations	\$	59,824	29096
C72310	Restroom Renovations	\$	9,559	29097
C72312	Emergency Renovations and Equipment	\$	891,533	29098
	Replacement			
C72314	Multi purpose Building	\$	14,000,000	29099
Total Expositions Commission		\$	19,786,431	29100
			<u>5,786,431</u>	

Sec. 201.30. All items set forth in this section are hereby 29102
 appropriated out of any moneys in the state treasury to the credit 29103
 of the Cultural and Sports Facilities Building Fund (Fund 7030) 29104
 that are not otherwise appropriated: 29105

Reappropriations

AFC CULTURAL FACILITIES COMMISSION 29106

C37102	Center of Science and Industry - Toledo	\$	12,268	29107
C37114	Woodward Opera House Renovation	\$	1,150,000	29108
C37118	Statewide Site Repairs	\$	100,100	29109
C37124	Waco Museum & Aviation Learning Center	\$	500,000	29110
C37131	Bramley Historic House	\$	75,000	29111
C37132	Beck Center for the Cultural Arts	\$	100,000	29112
C37133	Delaware County Cultural Arts Center	\$	40,000	29113
C37137	West Side Arts Consortium	\$	138,000	29114
C37138	Ice Arena Development	\$	5,500,000	29115
C37139	Stan Hywet Hall & Gardens	\$	1,000,000	29116
C37141	Spring Hill Historic Home	\$	125,000	29117
C37143	Lorain Palace Civic Theatre	\$	200,000	29118
C37144	Great Lakes Historical Society	\$	150,000	29119
C37153	Historic Sites and Museums	\$	980,319	29120
C37155	Buffington Island State Memorial	\$	33,475	29121
C37182	Lorain County Historical Society	\$	300,000	29122
C37184	Marion Palace Theatre	\$	1,575,000	29123
C37185	McConnellsville Opera House	\$	75,000	29124
C37186	Secrest Auditorium	\$	75,000	29125
C37187	Renaissance Theatre	\$	700,000	29126
C37188	Trumpet in the Land	\$	100,000	29127
C37189	Mid-Ohio Valley Players	\$	80,000	29128
C37190	The Anchorage	\$	50,000	29129
C37193	Galion Historic Big Four Depot Restoration	\$	170,000	29130
C37195	Lake County Historical Society	\$	250,000	29131
C37196	Hancock Historical Society	\$	75,000	29132
C37197	Riversouth Development	\$	1,000,000	29133
C37198	Ft. Piqua Hotel	\$	200,000	29134
C37199	Marina District Amphitheatre and Related Development	\$	2,000,000	29135
C371A1	Lima Historic Athletic Field	\$	100,000	29136
C371A3	Voice Of America Museum	\$	275,000	29137

C371A5	Clark County Community Arts Expansion Project	\$	500,000	29138
C371A6	Westcott House Historic Site	\$	75,000	29139
C371A8	Miami Township Community Amphitheatre	\$	50,000	29140
C371A9	Western Reserve Historical Society	\$	2,500,000	29141
C371B0	Cleveland Steamship Mather Museum	\$	100,000	29142
C371B5	Arts Castle	\$	100,000	29143
C371B6	Cincinnati Art and Technical Academy	\$	325,000	29144
C371B7	Ohio Glass Museum	\$	250,000	29145
C371B9	Ariel Theatre	\$	100,000	29146
C371C2	Ensemble Theatre	\$	450,000	29147
C371C4	Art Academy of Cincinnati	\$	100,000	29148
C371C5	Riverbend Pavilion Improvements	\$	250,000	29149
C371C7	Music Hall: Over-The-Rhine	\$	750,000	29150
C371C8	John Bloomfield Home Restoration	\$	720	29151
C371C9	Malinta Historical Society Caboose Exhibit	\$	6,000	29152
C371D1	Art Deco Markay Theatre	\$	200,000	29153
C371D4	Broad Street Historical Renovation	\$	300,000	29154
C371D5	Amherst Historical Society	\$	35,000	29155
C371D6	COSI - Toledo	\$	980,000	29156
C371D7	Ohio Theatre - Toledo	\$	100,000	29157
C371E2	Aurora Outdoor Sports Complex	\$	50,000	29158
C371E3	Preble County Historical Society	\$	100,000	29159
C371E4	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	29160
C371F0	Richard Howe House	\$	100,000	29161
C371F2	Packard Music Hall Renovation Project	\$	575,000	29162
C371F3	Holland Theatre	\$	100,000	29163
C371F6	Marietta Colony Theatre	\$	335,000	29164
C371G7	Huntington Park	\$	7,000,000	29165
C371G9	Riverbend - Cincinnati Symphony	\$	3,000,000	29166
C371H0	Marina District Amphitheatre	\$	2,900,000	29167
C371H1	Cincinnati Museum Center	\$	2,000,000	29168

C371H2	National Underground Railroad Freedom Center	\$	2,000,000	29169
C371H4	Pro Football Hall of Fame	\$	1,650,000	29170
C371H5	Heritage Center - Dayton	\$	1,300,000	29171
C371H6	Western Reserve Historical Society	\$	1,000,000	29172
C371H7	COSI Columbus	\$	1,000,000	29173
C371H8	Columbus Museum of Art	\$	1,000,000	29174
C371I0	Stan Hywet Hall and Gardens	\$	1,175,000	29175
C371I1	Akron Art Museum	\$	1,000,000	29176
C371I2	Sauder Village	\$	830,000	29177
C371I3	Horvitz Center for the Arts	\$	750,000	29178
C371I4	Ensemble Theatre	\$	750,000	29179
C371I5	Voice of America Museum	\$	750,000	29180
C371I6	Cleveland Steamship Mather	\$	600,000	29181
C371I7	Cuyahoga County Soldier and Sailor Monument	\$	500,000	29182
C371I8	King-Lincoln Arts and Entertainment District	\$	500,000	29183
C371I9	Art Academy of Cincinnati	\$	500,000	29184
C371J0	Great Lakes Historical Society	\$	500,000	29185
C371J3	Davis Shai Historical Facility	\$	300,000	29186
C371J4	Massillon Museum	\$	275,000	29187
C371J5	The Mandel Center	\$	250,000	29188
C371J6	Peggy R McConnell Arts Center	\$	250,000	29189
C371J7	Columbus College of Art and Design	\$	250,000	29190
C371J9	Stambaugh Hall Improvements	\$	250,000	29191
C371K0	Youngstown Symphony Orchestra	\$	250,000	29192
C371K1	Wood County Historical Center/Museum	\$	220,000	29193
C371K3	Cincinnati Ballet	\$	200,000	29194
C371K4	City of Avon Stadium Complex	\$	200,000	29195
C371K5	Renaissance Performing Arts Center	\$	200,000	29196
C371K6	Oxford Arts Center	\$	174,000	29197
C371K7	Wayne County Historical Society	\$	170,000	29198

C371K8	Maumee Valley Historical Society	\$	150,000	29199
C371K9	Trumbull County Historical Society	\$	150,000	29200
C371L0	First Lunar Flight Project	\$	25,000	29201
C371L1	Holmes County Historical Society Improvements	\$	140,000	29202
C371L2	Canal Winchester Historical Society <u>Westerville Parks & Recreation</u> <u>Firefighters Memorial/First Responder</u> <u>Park</u>	\$	125,000	29203
C371L3	Ukranian Museum	\$	100,000	29204
C371L4	Gordon Square Arts District	\$	100,000	29205
C371L5	Moreland Theatre Renovation	\$	100,000	29206
C371L6	Karamu House	\$	100,000	29207
C371L7	Symmes Township Historical Society	\$	100,000	29208
C371L8	Springfield Veterans Park Amphitheatre	\$	100,000	29209
C371L9	Gallia County Historical Genealogical Society	\$	100,000	29210
C371M1	The Octagon House	\$	100,000	29211
C371M2	Vinton County Stage-Pavilion Project	\$	100,000	29212
C371M3	County Line Historical Society-Wayne/Holmes	\$	100,000	29213
C371M4	Paul Brown Museum	\$	75,000	29214
C371M5	The Works Ohio Center for History, Art and Technology	\$	75,000	29215
C371M8	Hale Farm and Village	\$	50,000	29216
C371M9	Howe House Historic Site	\$	50,000	29217
C371N0	Beavercreek Community Theatre	\$	50,000	29218
C371N1	Jamestown Opera House	\$	50,000	29219
C371N2	Johnny Appleseed Museum	\$	50,000	29220
C371N3	Vinton County Historical Society Alice House Project	\$	50,000	29221
C371N4	Woodward Opera House Renovations	\$	50,000	29222
C371N5	Little Brown Jug Facility Improvements	\$	50,000	29223

C371N6	Applecreek Historical Society	\$	50,000	29224
C371N7	Wyandot Historic Courthouse	\$	50,000	29225
C371N8	Galion Historical Big 4 Depot	\$	30,000	29226
C371N9	Bucyrus Historic Depot Renovations	\$	30,000	29227
C371O1	Arts West Performing Arts Center	\$	25,000	29228
C371O2	Chester Academy Historical Site	\$	25,000	29229
C371O3	Portland Civil War Museum and Historical Displays	\$	25,000	29230
C371O4	Morgan County Opera House	\$	25,000	29231
C371O5	Crawford Antique Museum	\$	9,000	29232
C371O6	Monroe City Historical Society Building Repair	\$	5,000	29233
C371O7	Wright Dunbar Historical Facility	\$	250,000	29234
C371O8	Nationwide Children's Hospital Livingston Park Cultural Improvements	\$	1,000,000	29235
C371P1	WACO Aircraft Museum	\$	30,000	29236
C371P2	Bradford Railroad Museum	\$	30,000	29237
C371P3	Cincinnati Ballet Facility	\$	415,000	29238
C371P5	Fort Recovery Renovations	\$	100,000	29239
C371P6	Music Hall Garage	\$	1,000,000	29240
C371P7	Hip Klotz Memorial	\$	150,000	29241
C371P8	AB Graham Center	\$	40,000	29242
	Total Cultural Facilities Commission	\$	64,803,882	29243
	TOTAL Cultural and Sports Facilities Building Fund	\$	64,803,882	29244

Sec. 201.50. All items set forth in this section are hereby 29246
appropriated out of any moneys in the state treasury to the credit 29247
of the School Building Program Assistance Fund (Fund 7032) that 29248
are not otherwise appropriated: 29249

Reappropriations

	SFC SCHOOL FACILITIES COMMISSION			29250
C23002	School Building Program Assistance	\$	3,572,253,121	29251
C23005	Exceptional Needs	\$	28,504,951	29252

C23010	Vocation Facilities Assistance Program	\$ 11,115,616	29253
	Total School Facilities Commission	\$ 3,611,873,688	29254
	TOTAL School Building Program Assistance Fund	\$ 3,611,873,688	29255

CONSTRUCTION OF NEW BLIND AND DEAF SCHOOLS 29256

Of the foregoing appropriation item C23002, School Building 29257
Program Assistance, \$37,080,000 shall be used for constructing new 29258
facilities, or renovating existing facilities, or both, on the 29259
current campuses of the Ohio State School for the Blind and the 29260
Ohio School for the Deaf. Notwithstanding sections 123.01 and 29261
123.15 of the Revised Code and in addition to its powers under 29262
Chapter 3318. of the Revised Code, the Ohio School Facilities 29263
Commission shall administer the project pursuant to the memorandum 29264
of understanding that the Ohio State School for the Blind, the 29265
Ohio School for the Deaf, and the Ohio School Facilities 29266
Commission signed on October 31, 2007. The project shall comply to 29267
the fullest extent possible with the specifications and policies 29268
set forth in the Ohio School Facilities Design Manual and shall 29269
not be considered a part of any program created under Chapter 29270
3318. of the Revised Code. As agreed to by the parties in the 29271
memorandum of understanding, \$37,080,000 is sufficient to complete 29272
the construction or renovation of the facilities needed for the 29273
education of both the deaf and blind student communities and 29274
additional appropriations will not be required. Upon issuance by 29275
the Commission of a certificate of completion of the project, the 29276
Commission's participation in the project shall end. 29277

The Executive Director of the Ohio School Facilities 29278
Commission shall comply with the procedures and guidelines 29279
established in Chapter 153. of the Revised Code. Upon the release 29280
of funds for the project by the Controlling Board or the Director 29281
of Budget and Management, the Commission may administer the 29282
project without the supervision, control, or approval of the 29283
Director of Administrative Services. Any references to the 29284

Director of Administrative Services in the Revised Code, with 29285
respect to the administration of the project, shall be read as if 29286
they referred to the Director of the Ohio School Facilities 29287
Commission. 29288

Reappropriations

Sec. 301.20.20. BGU BOWLING GREEN STATE UNIVERSITY			29289
C24000	Basic Renovations	\$ 10,751,883	29290
C24001	Basic Renovations - Firelands	\$ 811,360	29291
C24002	Instructional and Data Processing Equipment	\$ 1,200,186	29292
C24004	ADA Modifications	\$ 19,544	29293
C24005	Child Care Facility	\$ 49,406	29294
C24007	Materials Network	\$ 90,981	29295
C24008	Video Link	\$ 10,644	29296
C24013	Hannah Hall Rehabilitation	\$ 2,005,522	29297
C24014	Biology Lab Renovation	\$ 12,533,708	29298
C24015	Campus-Wide Paving/Sidewalk Upgrade	\$ 4,899	29299
C24016	Student Learning	\$ 13,149	29300
C24017	Video Teaching Network	\$ 5,436	29301
C24019	Kinetic Spectrometry Consortium	\$ 77,671	29302
C24020	Admissions Visitor Center	\$ 3,000,000	29303
C24021	Theatre/Performing Arts Complex	\$ 8,750,000	29304
C24022	University Hall Rehabilitation	\$ 1,174,981	29305
C24025	Administration Building Fire Alarm System	\$ 83,986	29306
C24026	Campus-Wide Carpet Upgrade	\$ 329,700	29307
C24027	Reroof East, West, and North Buildings	\$ 173,999	29308
C24028	Instructional Laboratory - Phase 1	\$ 960,000	29309
C24031	Health Center Addition	\$ 9,750,000	29310
C24032	Student Services Building Replacement	\$ 8,100,000	29311
C24033	BGU Aviation Improvements	\$ 500,000	29312
C24034	Tunnel Upgrade-Phase II	\$ 98,820	29313

C24035	Library Depository Northwest	\$	56,000	29314
<u>C24036</u>	<u>Wood County Environmental Health Project</u>	<u>\$</u>	<u>700,000</u>	29315
Total Bowling Green State University		\$	60,551,875	29316
			<u>61,251,875</u>	

Reappropriations

Sec. 301.20.80.	OSU OHIO STATE UNIVERSITY			29318
C31500	Basic Renovations	\$	34,349,496	29319
C31501	Basic Renovations - Regional Campuses	\$	6,506,516	29320
C31502	Brown Hall Annex Replacement	\$	6,213	29321
C31505	Basic Renovations - ATI	\$	129,714	29322
C31506	Supplemental Renovations - OARDC	\$	3,319,202	29323
C31507	Supplemental Renovations - Regional	\$	191,955	29324
C31508	Dreese Lab Addition	\$	5,953	29325
C31510	Bioscience/Parks Hall Addition	\$	12,584	29326
C31512	Greenhouse Modernization	\$	40,982	29327
C31515	Life Sciences Research Building	\$	218,170	29328
C31520	Food Science & Technology Building	\$	92,786	29329
C31522	Heart & Lung Institute	\$	32,437	29330
C31523	Superconducting Radiation	\$	65,094	29331
C31524	Brain Tumor Research Center	\$	6,001	29332
C31525	Engineering Center Net Shape Manufacturing	\$	20,730	29333
C31526	Membrane Protein Typology	\$	8,835	29334
C31527	Instructional and Data Processing Equipment	\$	6,014,848	29335
C31528	Fine Particle Technologies	\$	116,770	29336
C31529	Advanced Plasma Engineering	\$	22,690	29337
C31530	Plasma Ramparts	\$	1,150	29338
C31531	IN-SITU AL-BE Composites	\$	1,733	29339
C31532	Jay Cooke Residence - Roof and Windows	\$	86,668	29340
C31535	Asbestos Abatement	\$	5,325	29341
C31536	Materials Network	\$	91,983	29342

C31537	Bio-Technology Consortium	\$	42,378	29343
C31538	Analytical Electron Microscope	\$	375,000	29344
C31539	High Temp Alloys & Alluminoids	\$	220,000	29345
C31541	Supplemental Renovations - ATI	\$	33,969	29346
C31542	Maintenance, Receiving, and Storage Facility - Marion	\$	58,646	29347
C31543	McPherson Lab Rehabilitation	\$	37,243	29348
C31544	Heart and Lung Institute	\$	101,808	29349
C31546	ADA Modifications - ATI	\$	41,936	29350
C31547	ADA Modifications - Lima	\$	358	29351
C31548	ADA Modifications - Mansfield	\$	15,253	29352
C31550	Titanium Alloys	\$	54,912	29353
C31552	Advanced Manufacturing	\$	38,579	29354
C31553	Manufacturing Processes/Materials	\$	62,574	29355
C31554	Terhertz Studies	\$	35,294	29356
C31556	Marion Park/Road/Sidewalk/Lights	\$	2,750	29357
C31557	Pomerene Lighting/Wiring	\$	249,584	29358
C31558	NMR Consortium	\$	75,116	29359
C31559	Versatile Film Facility	\$	62,872	29360
C31560	OCARNET	\$	5,916	29361
C31561	Bioprocessing Research	\$	1,905	29362
C31562	Localized Corrosion Research	\$	6,128	29363
C31563	ATM Testbed	\$	3,633	29364
C31564	Physical Sciences Building	\$	79,383	29365
C31565	Morrill Hall Remodeling - Vacated Library Space - Marion	\$	923	29366
C31568	Sisson Hall Replacement	\$	5,537	29367
C31570	Machinery Acoustics	\$	3,804	29368
C31571	Sensors and Measurements	\$	15,115	29369
C31572	Polymer Magnets	\$	1,099	29370
C31574	Al Alloy Corrosion	\$	14,292	29371
C31578	Page Hall Planning	\$	7,210	29372
C31579	Botany & Zoology Building Planning	\$	209,467	29373

C31581	Robinson Laboratory Planning	\$	36,765	29374
C31582	Don Scott Field Replacement Barns	\$	1,495,619	29375
C31583	Galvin Hall 3rd Floor Renovation - Lima	\$	22,135	29376
C31584	Horticultural Operations Center - ATI	\$	1,475,400	29377
C31585	OARDC Feed Mill	\$	5,050,968	29378
C31587	Biological Sciences Cooling Tower	\$	6,930	29379
C31589	Mount Hall HVAC Modifications	\$	40,982	29380
C31591	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	49,275	29381
C31592	Plant and Microbe Functional Genomics Facilities	\$	16,259	29382
C31593	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	149,066	29383
C31594	Bone & Mineral Metabolism Research Lab	\$	5,845	29384
C31597	Animal & Plant Biology Level 3	\$	8,133,780	29385
C31598	Main Library Rehabilitation	\$	56,456,214	29386
C31599	Psychology Building	\$	57,722	29387
C315A0	Thorne Hall and Gowley Hall Renovations - Phase 3	\$	598,043	29388
C315A2	Nanosecond Infrared Measurement	\$	2,588	29389
C315A4	Millimeter/Submillimeter Instrument	\$	5,919	29390
C315A5	X-Ray Powder Diffractometer	\$	558	29391
C315A6	Deconvolution Microscope	\$	1,101	29392
C315B2	Denney Hall Renovation - Phase I	\$	18,495	29393
C315B3	Ion Mass Spectrometry	\$	6,594	29394
C315B5	Role of Molecular Interfaces	\$	17,773	29395
C315B8	New Millimeter Spectrometer	\$	24,996	29396
C315C2	1224 Kinnear Road - Bale	\$	11,105	29397
C315C3	Non-Silicon Micromachining	\$	73,991	29398
C315C4	High Performance Computing	\$	2,910	29399
C315C5	Veterinary Hospital Auditorium Renovation	\$	7,736	29400

C315D0	OARDC Boiler Replacement	\$	656,442	29401
C315D2	Supercomputer Center Expansion	\$	1,600,414	29402
C315D5	Information Literacy	\$	24,824	29403
C315D6	Online Business Major	\$	6,618	29404
C315D8	Renovation of Graves Hall	\$	68,196	29405
C315E0	OARDC Wooster Phone System Replacement	\$	467,398	29406
C315E1	Utility - North Tunnel Steamline Upgrade	\$	114,298	29407
C315E2	Dual Beam Characterization	\$	150,000	29408
C315E6	Environmental Technology Consortium	\$	11,297	29409
C315E7	Campbell, University, and Evans Hall	\$	45,877	29410
C315E8	Laboratory Animal Facility	\$	83,481	29411
C315F1	Western Branch Headquarters & Machinery Building	\$	662,850	29412
C315F2	Muck Crops Branch/Shop Building Replacement	\$	782,173	29413
C315F3	Hazardous Waste Handling/Storage Building	\$	1,103,062	29414
C315F4	Agriculture/Engineering Building Renovation & Addition	\$	200,000	29415
C315F5	Wood County Center for Agriculture <u>OSU Extension Office/Agriculture Business Enhancement Center</u>	\$	1,000,000 <u>300,000</u>	29416
C315F6	Community Heritage Art Gallery - Lima	\$	100,000	29417
C315F8	Nanotechnology Molecular Assembly	\$	437,296	29418
C315F9	Networking and Communication	\$	478,761	29419
C315G0	Planetary Gear	\$	125,000	29420
C315G1	X-Ray Fluorescence Spectrometer	\$	2,283	29421
C315G2	Precision Navigation	\$	85,000	29422
C315G3	Welding & Metal Working	\$	200,000	29423
C315G5	Inductively Coupled Plasma Etching	\$	126,492	29424
C315G6	Accelerated Metals	\$	1,020,331	29425
C315G7	Mathematical Biosciences Institute	\$	9,819	29426
C315G9	Mershon Auditorium HVAC System	\$	3,379	29427

	Improvements			
C315H0	Molecular Microdevices	\$	2,066	29428
C315H1	Research Center HVAC System Improvements	\$	38,052	29429
C315H2	Infrared Absorption Measurements	\$	3,423	29430
C315H3	Dark Fiber	\$	2,532,628	29431
C315H4	Shared Data Backup System	\$	96,876	29432
C315H6	Third Frontier Network Testbed	\$	202,763	29433
C315H7	Distributed Learning Workshop	\$	2,500	29434
C315H8	Accelerated Maturation of Materials	\$	42,279	29435
C315H9	Nanoscale Polymers Manufacturing	\$	358,802	29436
C315J0	Hydrogen Production and Storage	\$	217	29437
C315J1	Ohio Organic Semiconductor	\$	226,422	29438
C315J4	Comprehensive Cancer - Chiller	\$	19,187	29439
	Replacement			
C315J5	Kottman Hall - 103 Central Classroom	\$	20,893	29440
C315J7	Low Cost Nanocomposite Foams	\$	101,705	29441
C315J8	West Campus Chilled Water & Scott Hall	\$	20,093	29442
C315J9	McCracken Power Plant Spill Control	\$	120,251	29443
C315K0	Glacial Assessment	\$	22,764	29444
C315K2	Center for Advanced Propulsion and Power	\$	1,313,076	29445
C315K3	Parks Hall Chiller Replacement	\$	134,678	29446
C315K4	Hybrid Electric Vehicle Modeling	\$	363,452	29447
C315K5	Computational Nanotechnology	\$	500,000	29448
C315K6	Townshend Hall - Roof Replacement	\$	328,772	29449
C315K8	Veterinary Hospital Roof Replacement	\$	174,815	29450
	Phase II			
C315K9	Hopkins Hall Phase II Priorities I, II	\$	41,756	29451
C315L0	Bioscience 6th Floor Renovation - Priority	\$	140,937	29452
C315L1	Ohio Commons For Digital Education	\$	14,594	29453
C315L2	Postle Hall Fire Alarm Replacement	\$	116,441	29454
C315L3	NonCredit Job Education & Training	\$	14,201	29455
C315L4	Campus South Dorms	\$	3,767	29456

	Renovation/Improvements			
C315L5	Bricker Hall Roof Replacement	\$	23,608	29457
C315L8	Cooperative Control Testbed	\$	3,000	29458
C315M0	Neuroscience Center Core	\$	576	29459
C315M2	Campus Grounds-Exterior Lighting - Phase	\$	31,523	29460
	VIII			
C315M3	930 Kinnear Road Renovations	\$	181,402	29461
C315M4	Waterman Lab & Don Scott Field	\$	23,528	29462
C315M5	Lincoln Tower Renovations - Phase I	\$	254,767	29463
C315M6	Coe Corrosion Coop	\$	56,781	29464
C315M7	OSU Cancer Program Expansion	\$	2,000,000	29465
C315M8	Smith Laboratory Rehabilitation	\$	2,799,448	29466
C315M9	Warner Library and Student Center	\$	1,618,275	29467
C315N0	Hopewell Hall Science Suite	\$	508,408	29468
C315N1	Atomic Force Microscopy	\$	180,000	29469
C315N2	Interactive Applications	\$	344,865	29470
C315N3	Platform Lab	\$	76,685	29471
C315N4	Integrated Biomass to Electricity	\$	392,680	29472
C315N8	Center for Polymer Nanomaterials	\$	9,801,899	29473
C315N9	Ohio Bioproducts Innovation Center	\$	7,765,250	29474
C315P1	Specialized Planetary Gears	\$	40,920	29475
C315P2	OSU Agricultural Building	\$	295,409	29476
C315P3	Automated AFM System	\$	618	29477
C315P4	Integrated Wireless Communication	\$	3,454	29478
C315P5	Newton Hall-Roof Replacement	\$	140,646	29479
C315P6	Chirped-Pulse Amplifier	\$	258,732	29480
C315P7	Central Classroom Building Renovation	\$	55,686	29481
C315P9	Airport Hangers 1 2 & 3 Roof Replacement	\$	485,250	29482
C315Q0	Veterinary Hospital Holding Replacement	\$	1,902,970	29483
C315Q1	Aeronautical and Astronautical Research	\$	676,482	29484
	Lab-Roof Replacement			
C315Q2	Superconductivity Technology Center	\$	324,136	29485
C315Q3	Periodic Materials Assemblies	\$	60,239	29486

C315Q4	Biological Sciences Building Supply Fan Replacement	\$	628,573	29487
C315Q5	Biological Sciences Building-Fume Hood Repairs	\$	968,531	29488
C315Q6	Kottman Hall Fume Hood Repairs	\$	1,476,940	29489
C315Q7	Photonic Force Microscope	\$	4,887	29490
C315Q9	Brown Hall Renovation/Replacement	\$	3,500,000	29491
C315R0	Hughes Hall Renovation	\$	1,500,000	29492
C315R1	COMPH Academic Center	\$	5,000,000	29493
C315R2	Murray Hall Renovation	\$	1,000,000	29494
C315R3	New Student Life Building	\$	1,000,000	29495
C315R4	Founders/Hopewell Hall Renovation	\$	1,960,080	29496
C315R5	Agricultural and Biological Engineering Building Renovation	\$	4,000,000	29497
C315R6	Selby Hall Phytotron Facility Renovation	\$	2,000,000	29498
C315R7	Stone Laboratory Resource Facility Improvements	\$	500,000	29499
C315R8	OSU Extension Safety Improvements in Madison County	\$	94,000	29500
C315R9	Camp Clifton Improvements	\$	90,000	29501
C315S0	Delaware Speech & Hearing with OSU Medical College	\$	75,000	29502
C315S1	Kottman Hall-Windows/Masonry Renovation	\$	1,065,280	29503
C315S2	Postle Hall Partial Window Replacement	\$	630,000	29504
C315S3	Celeste Lab Fume Hood Repairs	\$	1,000,300	29505
C315S4	Utility Upgrade/East Campus Area	\$	45,969	29506
Total Ohio State University		\$	200,348,786	29507
			<u>199,648,786</u>	
WOOD COUNTY CENTER FOR AGRICULTURE OSU EXTENSION				29508
OFFICE/AGRICULTURE BUSINESS ENHANCEMENT CENTER				29509
Of the The foregoing appropriation item C315F5, Wood County				29510
Center for Agriculture OSU Extension Office/Agriculture Business				29511
Enhancement Center, up to \$300,000 shall be used for building				29512

renovations to the ~~OSU Extension Office/Ag Business Enhancement~~ 29513
Center. 29514

Sec. 401.11. RIVERFRONT IMPROVEMENTS 29515

Of the foregoing reappropriation item C725D0, Riverfront 29516
Improvements, \$1,000,000 shall be used for the Riverfront West 29517
Park Development - Cincinnati Park Board, Hamilton County. 29518

LOCAL PARKS PROJECTS 29519

Of the foregoing appropriation item C725E2, Local Parks 29520
Projects, \$2,000,000 shall be used for the Center City Park in 29521
Springfield; \$1,200,000 shall be used for the Cincinnati Zoo; 29522
\$1,000,000 shall be used for the East Bank/Flats Project; 29523
\$1,000,000 shall be used by the Warren County Park District for 29524
Land Acquisition or Improvements; \$540,000 shall be used for Tar 29525
Hollow State Park Improvements; \$300,000 shall be used by the City 29526
of Mason for Handicap Accessible Park Improvements; \$250,000 shall 29527
be used for Van Buren State Park ~~Land Acquisitions~~ Camp Ground 29528
Electrification and Restroom Facilities Improvements; \$200,000 29529
shall be used for Harrison Village Historical Society-Phoenix Park 29530
Museum; \$200,000 shall be used for Indian Lake State Park Dredging 29531
Improvements; \$191,000 shall be used for Deerfield Township 29532
Simpson Creek Erosion Mitigation and Bank Control; \$185,000 shall 29533
be used for the City of Wilmington Park Upgrades/Tennis Courts; 29534
\$175,700 shall be used for the Georgetown Community Tennis Park; 29535
\$150,000 shall be used for Kelleys Island Park Improvements; 29536
\$150,000 shall be used for Perry Township Camp Improvements; 29537
\$100,000 shall be used for Mountain Bike Park/Midtown Cleveland; 29538
\$100,000 shall be used for the Chester Township Park; \$69,000 29539
shall be used for Miami Erie Canal Repairs in Spencerville; 29540
\$60,000 shall be used for Marseilles Reservoir Bulk Head Project; 29541
\$50,000 shall be used for Beaver creek/John Aekeney Soccer Field 29542
and Park; \$50,000 shall be used for the Beaver creek Community 29543

Athletic Association Facility and Park Upgrade; \$50,000 shall be 29544
used for the Columbus Zoo Education Center; \$50,000 shall be used 29545
for Dillon State Park Upgrades; \$50,000 shall be used for Indian 29546
Lake State Park Shoreline Improvements; \$25,000 shall be used for 29547
the Cleveland Police and Firefighters Memorial Park; \$25,000 shall 29548
be used for Grand Lake St. Mary's Improvements; \$25,000 shall be 29549
used for Geauga Veterans Monument Park Improvements; \$19,000 shall 29550
be used for East Fork State Park-Harsha Lake Dock Improvements; 29551
\$10,000 shall be used for the Marine Corps League Park/Monument; 29552
\$10,000 shall be used for Huntington Township Park Improvements; 29553
and \$5,000 shall be used for Morrow County Bicentennial Park. 29554

29555

STATEWIDE TRAILS PROGRAM

29556

Of the foregoing reappropriation item C725L8, Statewide 29557
Trails Program, \$2,000,000 shall be used for the Ohio to Erie 29558
Trail by Franklin County Metro Parks; \$1,900,000 shall be used for 29559
the Cuyahoga Towpath Trail; and \$210,000 shall be used for the 29560
Trumbull Bike Trail. 29561

FEDERAL REIMBURSEMENT

29562

All reimbursements received from the federal government for 29563
any expenditures made pursuant to Sections 401.10 and 401.11 of 29564
this act shall be deposited in the state treasury to the credit of 29565
the Parks and Recreation Improvement Fund. 29566

Sec. 401.71. The Ohio Public Facilities Commission is hereby 29567
authorized to issue and sell, in accordance with Section ~~2m~~ 2p of 29568
Article VIII, Ohio Constitution, and pursuant to sections 151.01 29569
and 151.08 of the Revised Code, original obligations of the state, 29570
in an aggregate principal amount not to exceed \$120,000,000, in 29571
addition to the original obligations heretofore authorized by 29572
prior acts of the General Assembly. These authorized obligations 29573
shall be issued and sold from time to time, subject to applicable 29574

constitutional and statutory limitations, as needed to ensure 29575
sufficient moneys to the credit of the State Capital Improvements 29576
Fund (Fund 7038) to pay costs of the state in financing or 29577
assisting in the financing of local subdivision capital 29578
improvement projects. 29579

Section 610.51. That existing Sections 101.10, 103.80.50, 29580
201.30, 201.50, 301.20.20, 301.20.80, 401.11, and 401.71 of H.B. 29581
496 of the 127th General Assembly are hereby repealed. 29582

Section 620.10. That Section 375.80.10 of Am. Sub. H.B. 119 29583
of the 127th General Assembly is hereby repealed. 29584

Section 620.20. That Section 5 of Am. Sub. H.B. 24 of the 29585
127th General Assembly is hereby repealed. 29586

Section 701.10. (A) As used in this section, "employer" has 29587
the same meaning as in division (D) of section 145.01 of the 29588
Revised Code. 29589

(B) Notwithstanding the penalty provided for in section 29590
145.47 of the Revised Code as it existed immediately prior to its 29591
amendment by this act, the Public Employees Retirement System 29592
shall recalculate, as described in this section, any penalty 29593
incurred under that section by an employer during the period 29594
beginning April 1, 2006, and ending the day before the effective 29595
date of this section, if the retirement system receives the 29596
recalculated amount not later than thirty days after the effective 29597
date of this section. The penalty shall be recalculated in 29598
accordance with section 145.47 of the Revised Code, as amended by 29599
this act. 29600

(C) If an employer fails to pay the recalculated amount in 29601
accordance with division (B) of this section, the retirement 29602

system shall reinstate to the original amount any penalty that was 29603
recalculated under division (B) of this section. If an employer 29604
fails to pay the reinstated penalty, that amount shall be withheld 29605
from the employer on certification by the Public Employees 29606
Retirement Board to the Director of Budget and Management or the 29607
county auditor, as appropriate. 29608

(D) If, prior to the effective date of this section, an 29609
employer described in division (B) of this section paid the 29610
penalty in accordance with section 145.47 of the Revised Code, as 29611
it existed immediately prior to its amendment by this act, the 29612
retirement system shall credit to the employer's account the 29613
difference between the amount of the penalty that was paid and the 29614
recalculated penalty to reduce any amounts due from the employer 29615
under Chapter 145. of the Revised Code. The credit shall be 29616
completed not later than six months after the effective date of 29617
this section. 29618

Section 701.20. (A) The Ohio Commission on Local Government 29619
Reform and Collaboration shall develop recommendations on 29620
reforming and restructuring local government in this state to 29621
increase the efficiency and effectiveness of local government 29622
operations and to achieve cost savings for taxpayers. In 29623
developing the recommendations, the commission shall consider, but 29624
is not limited to, the following: 29625

(1) Restructuring and streamlining local government offices 29626
to achieve efficiencies and cost savings for taxpayers and to 29627
facilitate local economic development; 29628

(2) Restructuring local government authorities authorized by 29629
the constitution or the laws of this state to levy a tax of any 29630
kind or to have a tax of any kind levied on its behalf, and of 29631
local government units, including schools and libraries, to reduce 29632
overhead and administrative expenses; 29633

(3) Restructuring or streamlining services, functions, or 29634
authorities of local government to achieve cost savings for 29635
taxpayers; and 29636

(4) Reforming or restructuring constitutional, statutory, and 29637
administrative laws to increase the efficiency and effectiveness 29638
of local government operations, to avoid duplication of services, 29639
and to achieve costs savings for taxpayers. 29640

(B)(1) There is hereby created the Ohio Commission on Local 29641
Government Reform and Collaboration, consisting of nine voting 29642
members. The President of the Senate and the Speaker of the House 29643
of Representatives each shall appoint three members and the 29644
Governor shall appoint three members. The initial appointments 29645
shall be made not later than sixty days after the effective date 29646
of this section. Vacancies shall be filled in the manner provided 29647
for original appointments. Members are not entitled to 29648
compensation for their services. 29649

(2) The initial meeting of the commission shall be called by 29650
the Governor within forty-five days after the initial appointments 29651
to the commission are complete. The commission shall elect two of 29652
its members to serve as co-chairpersons of the commission. 29653

(C) The commission shall create an advisory council 29654
consisting of interested parties representing taxing authorities 29655
and political subdivisions that are not taxing authorities. The 29656
appointment of members to the advisory council is a matter of the 29657
commission's discretion. The commission may direct the advisory 29658
council to provide relevant information to the commission. 29659
Advisory council members are not members of the commission, and 29660
may not vote on commission business. 29661

(D) The commission may consult with and obtain assistance 29662
from state institutions of higher education (as defined in section 29663
3345.011 of the Revised Code) and from business organizations for 29664

research and data gathering related to its mission. State 29665
institutions of higher education and business organizations shall 29666
cooperate with the commission. 29667

(E) The commission shall issue a report of its findings and 29668
recommendations to the President of the Senate, the Speaker of the 29669
House of Representatives, and the Governor not later than July 1, 29670
2010. The commission ceases to exist upon submitting its report. 29671

Section 703.10. Notwithstanding the enactment of sections 29672
353.01 to 353.063 of the Revised Code by this act, the elected 29673
officeholders for the offices of county clerk of courts, county 29674
auditor, county recorder, county treasurer, county coroner, county 29675
engineer, and county sheriff shall not be eliminated or replaced 29676
until the termination of their current elected offices. Similarly, 29677
if an election for any of those offices occurs at the same time as 29678
the question of restructuring a county government is presented to 29679
the electors on the ballot, the elected officeholder shall 29680
continue to serve in the office as an elected officeholder until 29681
the termination of the term of office. At the termination of any 29682
such term following the approval of the electors of the 29683
restructured form of county government, appointments shall be made 29684
not sooner than sixty nor later than ninety days after the date of 29685
the end of that term of office. The formerly elected officeholder 29686
shall continue to serve and hold office until the successor is 29687
appointed and qualified. 29688

Section 705.10. Notwithstanding section 5709.73 of the 29689
Revised Code, a board of township trustees of a township with a 29690
population exceeding fifty-five thousand according to the most 29691
recent federal decennial census may adopt a resolution under 29692
division (B) of that section on or before December 31, 2008, by 29693
majority vote. Such a board may adopt a resolution under division 29694
(C) of that section on or before December 31, 2008, by majority 29695

vote, if the other requirements of that division are satisfied. 29696

Section 707.10. (A) As used in this section: 29697

(1) "Active business operations" means all business 29698
operations that are not inactive business operations. 29699

(2) "Business operations" means engaging in commerce in any 29700
form in Sudan or Iran, including by maintaining, selling, 29701
acquiring, developing, owning, possessing, operating, or leasing 29702
equipment, facilities, personnel, products, services, personal or 29703
real property, or any other apparatus of business or commerce. 29704

(3) "Company" means a sole proprietorship, organization, 29705
association, corporation, partnership, joint venture, limited 29706
partnership, limited liability partnership, limited liability 29707
company, business association, or other entity, including any 29708
wholly-owned subsidiary, majority-owned subsidiary, parent 29709
company, or affiliate of any of those types of entities, that 29710
exists for the purpose of making a profit. 29711

(4) "Complicit" means taking actions during any preceding 29712
twenty-month period that directly support or promote the genocidal 29713
campaign in the Darfur region of Sudan, including, but not limited 29714
to, preventing members of the population of the Darfur region of 29715
Sudan negatively affected by genocide from communicating with each 29716
other; encouraging Sudanese citizens to speak against the 29717
internationally approved security force that provides aide to the 29718
Darfur region; actively working to deny, cover up, or alter the 29719
record on human rights abuses in Darfur; or other similar actions. 29720

(5) "Direct holdings" means all stocks or bonds of a company 29721
held directly by the Ohio Police and Fire Pension Fund or held in 29722
an account or fund of which the Fund owns all of the shares or 29723
interests. 29724

(6) "Government of Iran" means the Islamic Republic of Iran, 29725

its instrumentalities, and companies owned or controlled by the government of Iran. 29726
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(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. 29728
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(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. 29735
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(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. 29740
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(10) "Iran" means the Islamic Republic of Iran. 29749

(11) "Marginalized populations of Sudan" includes, but is not limited to, all of the following: 29750
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(a) The portion of the population in the Darfur region that has been negatively affected by genocide; 29752
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(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; 29754
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(c) The Beja, Rashidiya, and other similarly underserved groups of eastern Sudan;	29757 29758
(d) The Nubian and other similarly underserved groups in the Abyei, southern blue Nile, and Nuba mountain regions of Sudan;	29759 29760
(e) The Amri, Hamadab, Manasir, and other similarly underserved groups of northern Sudan.	29761 29762
(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.	29763 29764 29765 29766 29767 29768
(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.	29769 29770 29771 29772 29773 29774 29775
(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.	29776 29777 29778 29779 29780 29781 29782 29783 29784
(15) "Petroleum resource" means petroleum, petroleum byproducts, or natural gas.	29785 29786
(16) "Power production activities" means any business	29787

operation that involves a project commissioned by the national 29788
electricity corporation of Sudan or other similar entity of the 29789
government of Sudan whose purpose is to facilitate power 29790
generation and delivery, including, but not limited to, 29791
establishing power-generating plants or hydroelectric dams, 29792
selling or installing components for a project, providing service 29793
contracts related to the installation or maintenance of a project, 29794
or facilitating any of these activities, including by providing 29795
supplies or services in support of such activities. 29796

(17) "Public fund" means the assets included in any fund 29797
portfolio that is under the control of, or controlled on behalf 29798
of, the Ohio Police and Fire Pension Fund. 29799

(18) "Scrutinized active business operation" means active 29800
business operations that have resulted in a company becoming a 29801
scrutinized company. 29802

(19) "Scrutinized business operations" means business 29803
operations that have resulted in a company that meets any of the 29804
following criteria: 29805

(a) The company has business operations that involve 29806
contracts with or provision of supplies or services to the 29807
government of Sudan, companies in which the government of Sudan 29808
has any direct or indirect equity share, consortiums or projects 29809
commissioned by the government of Sudan, or companies involved in 29810
consortiums or projects commissioned by the government of Sudan, 29811
and more than ten per cent of the company's revenues or assets 29812
linked to Sudan involve oil-related activities or 29813
mineral-extraction activities; less than seventy-five per cent of 29814
the company's revenues or assets linked to Sudan involve contracts 29815
with or provision of oil-related or mineral-extracting products or 29816
services to the regional government of southern Sudan or a project 29817
or consortium created exclusively by that regional government; and 29818
the company has failed to take substantial action specific to 29819

Sudan; or more than ten per cent of the company's revenues or 29820
assets linked to Sudan involve power-production activities; less 29821
than seventy-five per cent of the company's power-production 29822
activities include projects whose intent is to provide power or 29823
electricity to the marginalized populations of Sudan; and the 29824
company has failed to take substantial action specific to Sudan. 29825

(b) The company is complicit in the Darfur genocide. 29826

(c) The company supplies military equipment within Sudan, 29827
unless it clearly shows that the military equipment cannot be used 29828
to facilitate offensive military actions in Sudan or the company 29829
implements rigorous and verifiable safeguards to prevent use of 29830
that equipment by forces actively participating in armed conflict. 29831
Examples of safeguards include post-sale tracking of such 29832
equipment by the company, certification from a reputable and 29833
objective third party that such equipment is not being used by a 29834
party participating in armed conflict in Sudan, or sale of such 29835
equipment solely to the regional government of southern Sudan or 29836
any internationally recognized peacekeeping force or humanitarian 29837
organization. 29838

(d)(i) The company has business operations that involve 29839
contracts with or provision of supplies or services to the 29840
government of Iran, companies in which the government of Iran has 29841
any direct or indirect equity share, consortiums, or projects 29842
commissioned by the government of Iran, or companies involved in 29843
consortiums or projects commissioned by the government of Iran, 29844
and one of the following apply: more than ten per cent of the 29845
company's total revenues or assets are linked to Iran and involve 29846
oil-related activities, mineral-extraction activities, or 29847
petroleum resources; the company has, with actual knowledge, on or 29848
after August 5, 1996, made an investment of twenty million dollars 29849
or more, or any combination of investments of at least ten million 29850
dollars each, which in the aggregate equals or exceeds twenty 29851

million dollars in any twelve-month period, and which directly or 29852
significantly contributes to the enhancement of Iran's ability to 29853
develop the petroleum resources of Iran; the company is engaged in 29854
business with an Iranian organization labeled as a terrorist 29855
organization by the United States government. 29856
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(ii) Any company that takes substantial action specific to 29858
Iran shall not meet the criteria to be deemed a company involved 29859
in scrutinized business operations. 29860

(20) "Social development company" means a company whose 29861
primary purpose in Sudan is to provide only the following 29862
humanitarian goods or services to the people of Sudan: 29863

(a) Medicine or medical equipment; 29864

(b) Agricultural supplies or infrastructure; 29865

(c) Educational opportunities; 29866

(d) Journalistic activities; 29867

(e) Information or information materials; 29868

(f) Spiritual-related activities; 29869

(g) Services of a purely clerical or reporting nature; 29870

(h) Food, clothing, or general consumer goods that are 29871
unrelated to oil-related activities, mineral extraction 29872
activities, or power production activities. 29873

(21) "Substantial action specific to Iran" means adopting, 29874
publicizing, and implementing a formal plan to cease scrutinized 29875
business operations within one year and to refrain from any such 29876
new business operations. 29877

(22) "Substantial action specific to Sudan" means adopting, 29878
publicizing, and implementing a formal plan to cease scrutinized 29879
business operations within one year and to refrain from any such 29880

new business operations; undertaking humanitarian efforts in 29881
conjunction with an international organization, the government of 29882
Sudan, the regional government of southern Sudan, or a nonprofit 29883
entity evaluated and certified by an independent third party to be 29884
substantially in a relationship to the company's Sudan business 29885
operations and of benefit to one or more marginalized populations 29886
of Sudan; or, through engagement with the government of Sudan, 29887
materially improving conditions for the genocidally victimized 29888
population in Darfur. 29889

(23) "Sudan" means the Republic of the Sudan. 29890

(B)(1) Within ninety days after the effective date of this 29891
section, the Ohio Police and Fire Pension Fund shall make its best 29892
efforts to identify all publicly traded companies involved in 29893
scrutinized business operations in which the Fund has direct or 29894
indirect holdings or could possibly have such holdings in the 29895
future. The efforts shall include: 29896

(a) Reviewing and relying, as appropriate in the Fund's 29897
judgment, on publicly available information regarding companies 29898
having business operations in Iran or Sudan, including information 29899
provided by nonprofit organizations, research firms, international 29900
organizations, and government entities; 29901

(b) Contacting asset managers contracted by the Fund that 29902
invest in companies having business operations in Iran or Sudan; 29903

(c) Contacting other institutional investors that have 29904
divested from or engaged with companies that have business 29905
operations in Iran or Sudan; 29906

(d) Reviewing the laws of the United States regarding the 29907
levels of business activity that would cause application of 29908
sanctions for companies conducting business or investing in 29909
countries that are designated state sponsors of terror. 29910

(2) Within ninety days after the effective date of this 29911

section, the Fund shall create a "scrutinized companies with 29912
activities in Sudan list" and a "scrutinized companies with 29913
activities in Iran list," consisting of all publicly traded 29914
companies identified in division (B)(1) of this section, shall 29915
make the lists publicly available, and shall update the lists 29916
annually. 29917

(3) Notwithstanding the provisions of this chapter, a 29918
social-development company that is not complicit in the Darfur 29919
genocide is not considered a scrutinized company. 29920

(4) The Fund shall engage the companies on the scrutinized 29921
companies with activities in Sudan list and the scrutinized 29922
companies with activities in Iran list, in which the Fund owns 29923
direct or indirect holdings, according to the following: 29924

(a) For each company identified in this paragraph that has 29925
only inactive business operations, the Fund shall send a written 29926
notice informing the company of the requirements of this chapter 29927
and encouraging it to continue to refrain from initiating active 29928
business operations in Iran or Sudan until it is able to avoid 29929
scrutinized business operations. The Fund shall continue such 29930
correspondence semiannually. 29931

(b) For each company newly identified under this section that 29932
has active business operations, the Fund shall send a written 29933
notice informing the company of its scrutinized company status and 29934
that it may become subject to divestment by the Fund. The notice 29935
shall inform the company of the opportunity to clarify its 29936
Iran-related or Sudan-related activities and encourage the 29937
company, within ninety days, to cease its scrutinized business 29938
operations or convert such operations to inactive business 29939
operations in order to avoid qualifying for divestment by the 29940
Fund. 29941

(c) If, within ninety days after the Fund creates the lists 29942

pursuant to division (B)(2) of this section, a company on either 29943
list ceases scrutinized business operations, the Fund shall remove 29944
the company from the scrutinized companies with activities in 29945
Sudan list and the scrutinized companies with activities in Iran 29946
list, and the provisions of this chapter shall cease to apply to 29947
that company unless that company resumes scrutinized business 29948
operations. If, within ninety days after the Fund creates the 29949
list, the company converts its scrutinized active business 29950
operations to inactive business operations, the company is subject 29951
to all provisions of this chapter relating to inactive business 29952
operations. A company may be on both the scrutinized companies 29953
with activities in Sudan list and the scrutinized companies with 29954
activities in Iran list. A company may be removed from one list 29955
but remain on the other list, in which case the company is subject 29956
to the provisions of this chapter applicable to the list on which 29957
the company remains. 29958

(d) The Fund shall submit letters to the managers of actively 29959
managed investment funds containing indirect holdings in companies 29960
identified in division (B)(1) of this section that have 29961
scrutinized active business operations requesting that they 29962
consider removing such companies from the Fund or create a similar 29963
actively managed fund having indirect holdings devoid of such 29964
companies. 29965

(C) The Ohio Police and Fire Pension Fund Board shall adopt a 29966
policy to address divestiture of holdings in companies identified 29967
and engaged pursuant to division (B) of this section. The goal of 29968
the policy shall be to achieve complete divestiture from such 29969
holdings when divestiture would be prudent and consistent with the 29970
Board's fiduciary duty. The policy shall be developed within 29971
thirty days after the effective date of this section. 29972

(D)(1) The Ohio Police and Fire Pension Fund shall file a 29973
report with the President of the Senate, the Speaker of the House 29974

of Representatives, the Minority Leader of the Senate, the 29975
Minority Leader of the House of Representatives, and the Ohio 29976
Retirement Study Council that includes the scrutinized companies 29977
with activities in Sudan list and the scrutinized companies with 29978
activities in Iran list within thirty days after the list is 29979
created and within thirty days after the list is updated. The Fund 29980
shall make the report available to the public. 29981

(2) The Fund shall file a report annually, which shall be 29982
made available to the public, to the President of the Senate, the 29983
Speaker of the House of Representatives, the Minority Leader of 29984
the Senate, the Minority Leader of the House of Representatives, 29985
the Ohio Retirement Study Council, and the Workers Compensation 29986
Council, and send a copy of that report to the United States 29987
Presidential Special Envoy to Sudan and the United States 29988
Presidential Special Envoy to Iran, or an appropriate designee or 29989
successor, which includes: 29990

(a) A summary of correspondence with companies engaged by the 29991
Fund pursuant to this section; 29992

(b) All investments sold, redeemed, divested, or withdrawn 29993
pursuant to this section; 29994

(c) Any progress made under division (B)(4)(d) of this 29995
section; 29996

(d) A list of all publicly traded securities held directly by 29997
the Fund. 29998

(E) If any of the following occur, the Ohio Police and Fire 29999
Pension Fund shall no longer assemble the scrutinized companies 30000
with activities in Sudan list, shall cease engagement and 30001
divestment of such companies, and may reinvest in such companies 30002
as long as such companies do not satisfy the criteria for 30003
inclusion in the scrutinized companies with activities in Iran 30004
list: 30005

(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.	30006 30007 30008
(2) The federal government revokes all sanctions imposed against the government of Sudan.	30009 30010
(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.	30011 30012 30013 30014
(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.	30015 30016 30017 30018 30019 30020
(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:	30021 30022 30023 30024 30025 30026
(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.	30027 30028 30029
(2) The federal government revokes all sanctions imposed against the government of Iran.	30030 30031
(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.	30032 30033 30034
(G) The Ohio Police and Fire Pension Fund is not liable for	30035

breach of the Fund's fiduciary duty if the Fund complies in good 30036
faith with the requirements of this section. If the Fund made 30037
determinations in good faith regarding the status of a company as 30038
required under this section, the members are not liable in an 30039
action for libel or slander. All former, present, or future 30040
members of the Ohio Police and Fire Pension Fund Board of Trustees 30041
and all officers, employees, and agents of the Fund shall be 30042
indemnified, whether jointly or severally, for all claims, 30043
demands, suits, actions, damages, judgments, costs, charges, and 30044
expenses, including court costs and attorney's fees, and against 30045
all liability, losses, and damages of any nature that such board 30046
members, officers, employees, or agents may incur by reason of any 30047
decision to restrict, reduce, or eliminate investments in 30048
companies doing business in Iran or Sudan. A Board member, 30049
officer, employee, or agent of the Fund shall be indemnified 30050
through the Fund. In any action pursuant to this chapter, the 30051
Board has any rights granted in section 109.98 of the Revised 30052
Code. 30053

Section 711.10. (A) As used in this section, "Community 30054
development bank" has the meaning as set forth in the "Federal 30055
Deposit Insurance Corporation Improvement Act of 1991," 105 Stat. 30056
2317, 12 U.S.C. 1834b(e)(1). 30057

(B) Notwithstanding any contrary provision of section 135.33 30058
of the Revised Code, a community development bank, pursuant to 30059
that section, may apply to, and be designated by, a county as a 30060
depository of active moneys during the county's period of 30061
designation in effect on the effective date of this section if all 30062
of the following apply: 30063

(1) The bank is located in a county with a population of over 30064
one million three hundred thousand people based on the most recent 30065
decennial census figures from the United States Department of 30066

Commerce, Division of Census;	30067
(2) The bank has previously served the county described in division (B)(1) of this section as a depository;	30068 30069
(3) The bank applies to the county described in division (B)(1) of this section to be a depository; and	30070 30071
(4) The bank is an eligible institution under section 135.32 of the Revised Code.	30072 30073
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.	30074 30075 30076 30077 30078
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.	30079 30080 30081 30082 30083 30084
Section 715.30. (A) There is hereby created the State Park and Recreational Area Study Committee consisting of the following members:	30085 30086 30087
(1) The Director of Natural Resources or the Director's designee;	30088 30089
(2) Two members representing the public appointed by the Governor who have general knowledge of the operation of a park or recreational area;	30090 30091 30092
(3) Three members appointed by the Speaker of the House of Representatives who may be members of the House of Representatives	30093 30094

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 that act, as amended. 30156
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(4) "2005 valuation adjustment" means the assessed value of tax-exempt public utility property that was included in the certification made under division (A) of section 3317.021 of the Revised Code for fiscal year 2007. 30158
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(5) "2006 valuation adjustment" means the assessed value of tax-exempt public utility property that was included in the certification made under division (A) of section 3317.021 of the Revised Code for fiscal year 2008. 30162
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(B)(1) The Department of Education shall recompute an eligible school district's state education aid for fiscal year 2007 by reducing the total taxable value certified for the district under division (A) of section 3317.021 of the Revised Code for that fiscal year by an amount equal to the 2005 valuation adjustment, and pay the district the increase in state education aid resulting from the recomputation. Each component of state education aid affected by the valuation adjustment shall be recomputed. Within forty-five days after the effective date of this section, the payment shall be made from money appropriated for fiscal year 2008 under the appropriation line items corresponding with the components of state education aid required to be recomputed under this division. 30166
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(2) The Department of Education shall recompute an eligible school district's state education aid for fiscal year 2008 by reducing the total taxable value certified for the district under division (A) of section 3317.021 of the Revised Code for that fiscal year by an amount equal to the 2006 valuation adjustment, and pay the district the increase in state education aid resulting from the recomputation. Each component of state education aid affected by the valuation adjustment shall be recomputed. The payment shall be made from money appropriated for fiscal year 2008 30179
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under the appropriation line items corresponding with the 30188
components of state education aid required to be recomputed under 30189
this division. The amount of the payment shall be divided in equal 30190
amounts among the remaining payments of state education aid 30191
required to be made during fiscal year 2008 that have not been 30192
paid before the effective date of this section, and paid at the 30193
same time as those payments. 30194

(3) The recomputed total taxable value and state education 30195
aid recomputed under divisions (B)(1) and (2) of this section 30196
shall be regarded as the district's total taxable value and state 30197
education aid for fiscal year 2007 and 2008, respectively, for all 30198
purposes of Chapter 3317. of the Revised Code; Am. Sub. H.B. 66 of 30199
the 126th General Assembly, including the computation of 30200
transitional aid under Section 206.09.39 of that act, as amended; 30201
and Am. Sub. H.B. 119 of the 127th General Assembly, including 30202
under Section 269.30.80 of that act. 30203

(4) Any amounts payable under division (B)(1) or (2) of this 30204
section shall be reduced by any amount paid under section 3317.026 30205
of the Revised Code if the amount paid under that section was paid 30206
on account of refunded taxes charged against tax-exempt public 30207
utility property for tax year 2005 or 2006 and for which 30208
recomputation is made under division (B) of this section. 30209

(C) The Department of Education shall recompute an eligible 30210
school district's adjusted valuation per pupil and average taxable 30211
value for the purposes of ranking the district under section 30212
3318.011 of the Revised Code, and determining the district's 30213
portion of the basic project cost under section 3318.032 of the 30214
Revised Code, for any such computation that includes the taxable 30215
values certified for the district for tax year 2005 or 2006 under 30216
division (A) of section 3317.021 of the Revised Code. For 30217
computations of valuation per pupil or average taxable value that 30218
include the taxable value certified for tax year 2005, the 30219

recomputation shall incorporate the taxable values so certified 30220
reduced by the 2005 valuation adjustment. For computations of 30221
valuation per pupil or average taxable value that include the 30222
taxable value certified for tax year 2006, the recomputation shall 30223
incorporate the taxable values so certified reduced by the 2006 30224
valuation adjustment. Within forty-five days after the effective 30225
date of this act, the Department shall adjust the percentile 30226
ranking of the district and perform the Department's other duties 30227
under section 3318.011 of the Revised Code to reflect the 30228
recomputations, and shall certify the recomputations and other 30229
information required by that section to the Ohio School Facilities 30230
Commission. The Commission shall adjust the portion of basic 30231
project cost to be supplied by the district on the basis of the 30232
department's certification. 30233

Section 733.13. (A) As used in this section, "equity list" 30234
means the school district percentile rankings calculated under 30235
section 3318.011 of the Revised Code. 30236

(B) Not later than thirty days after the effective date of 30237
this section, the Department of Education shall create an 30238
alternate equity list for fiscal year 2008 by recalculating each 30239
school district's percentile ranking under section 3318.011 of the 30240
Revised Code and shall certify the alternate equity list to the 30241
Ohio School Facilities Commission. For this purpose, the 30242
Department shall recalculate every school district's percentile 30243
ranking using the district's "valuation per pupil" as that term is 30244
defined in the version of section 3318.011 of the Revised Code in 30245
effect on and after September 29, 2007. When recalculating the 30246
percentile rankings, the Department shall use the same values for 30247
"average taxable value," "formula ADM," and "income factor," as 30248
those terms are defined in section 3318.011 of the Revised Code, 30249
that it used in calculating the original equity list for fiscal 30250
year 2008 certified to the Commission on September 5, 2007, and 30251

shall not use any updated values for those variables. 30252

(C) The Commission shall use the alternate equity list 30253
certified under division (B) of this section to determine the 30254
priority for assistance under sections 3318.01 to 3318.20 of the 30255
Revised Code in fiscal year 2009 for each school district that has 30256
not previously been offered funding under those sections. The 30257
alternate equity list shall not affect any school district's 30258
eligibility for the Exceptional Needs School Facilities Assistance 30259
Program under section 3318.37 of the Revised Code. 30260

(D) Notwithstanding any provision of Chapter 3318. of the 30261
Revised Code to the contrary, for each school district that 30262
receives the Commission's conditional approval of the district's 30263
project under sections 3318.01 to 3318.20 or section 3318.37 of 30264
the Revised Code in fiscal year 2009, the district's portion of 30265
the basic project cost shall be the lesser of the following: 30266

(1) The amount required under section 3318.032 of the Revised 30267
Code calculated using the percentile in which the district ranks 30268
on the alternate equity list certified under division (B) of this 30269
section; 30270

(2) The amount required under section 3318.032 of the Revised 30271
Code calculated using the percentile in which the district ranks 30272
on the original equity list for fiscal year 2008. 30273

Section 733.14. (A) As used in this section: 30274

(1) "Alternative equity list" means a rank order of all city, 30275
exempted village, and local school districts into percentiles 30276
according to the one-year adjusted valuation per pupil of each 30277
district from lowest to higher adjusted valuation per pupil, 30278
computed as follows: 30279

(The district's total taxable value for tax year 2006 / the 30280
district's formula ADM for fiscal year 2007) - [\$30,000 x (1 -the 30281

district's income factor for fiscal year 2007)] 30282

(2) "Original equity list" means the school district 30283
percentile ranking according to the three-year average adjusted 30284
valuation per pupil of all city, exempted village, and local 30285
school districts calculated under section 3318.011 of the Revised 30286
Code and certified to the Ohio School Facilities Commission on 30287
September 5, 2007. 30288

(3) "Project" has the same meaning as in section 3318.01 of 30289
the Revised Code. 30290

(4) "School district's portion of the basic project cost" 30291
means the portion of the basic project cost computed under section 30292
3318.032 of the Revised Code. 30293

(5) "Total taxable value," "formula ADM," and "income factor" 30294
have the same meanings as in section 3317.02 of the Revised Code. 30295

(B) Not later than thirty days after the effective date of 30296
this section, the Department of Education shall create the 30297
alternative equity list defined in this section and shall certify 30298
that list to the Ohio School Facilities Commission for its use in 30299
determining funding of school district projects for fiscal year 30300
2009, in the manner prescribed in division (C) of this section. 30301

(C) Notwithstanding any provision to the contrary in Chapter 30302
3318. of the Revised Code, for fiscal year 2009 only, in the case 30303
of any school district that has not received funding under 30304
sections 3318.01 to 3318.20 of the Revised Code in any fiscal year 30305
prior to fiscal year 2009 and for which the district's rank on the 30306
alternative equity list is at least fifteen percentiles lower than 30307
the district's rank on the original equity list: 30308

(1) The Commission shall use the district's percentile on the 30309
alternative equity list to determine the district's priority for 30310
assistance and the school district's portion of the basic project 30311
cost for a project under sections 3318.01 to 3318.20 of the 30312

Revised Code, rather than the district's percentile on the 30313
original equity list as otherwise provided under those sections; 30314

(2) The Commission shall use the district's percentile on the 30315
alternative equity list to determine the school district's portion 30316
of the basic project cost for a project under section 3318.37 of 30317
the Revised Code, rather than the district's percentile on the 30318
original equity list as otherwise provided under that section. The 30319
alternative equity list shall not affect any school district's 30320
eligibility and priority for assistance under that section. 30321

The Commission shall not use the alternative equity list to 30322
determine the priority for funding or a school district's portion 30323
of the basic project cost for any other school district or for any 30324
other program administered by the Commission. 30325

(D) If a school district is offered funding under sections 30326
3318.01 to 3318.20 or section 3318.37 of the Revised Code for 30327
fiscal year 2009 based on this section, the district's project 30328
shall proceed as specified in those sections, except as otherwise 30329
provided in this section. 30330

Section 733.15. Notwithstanding division (B) of section 30331
3318.40 of the Revised Code, the Ohio School Facilities Commission 30332
may set aside up to three per cent of the aggregate amount 30333
appropriated to it in fiscal year 2008 for classroom facilities 30334
assistance projects in the Education Facilities Trust Fund 30335
established under section 183.26 of the Revised Code, the Public 30336
School Building Fund established under section 3318.15 of the 30337
Revised Code, and the School Building Program Assistance Fund 30338
established under section 3318.25 of the Revised Code to provide 30339
assistance to joint vocational school districts for the 30340
acquisition of classroom facilities in accordance with sections 30341
3318.40 to 3318.45 of the Revised Code. 30342

Section 733.20. Notwithstanding any provision to the contrary 30343
in Chapter 3314. of the Revised Code, with respect to the 30344
calculation of full-time equivalency under division (L)(3) of 30345
section 3314.08 of the Revised Code, the Superintendent of Public 30346
Instruction shall waive the number of hours or days of learning 30347
opportunities not offered to a student because a community school 30348
was closed during the 2007-2008 school year due to disease 30349
epidemic, hazardous weather conditions, inoperability of school 30350
buses or other equipment necessary to the school's operation, 30351
damage to a school building, or other temporary circumstances due 30352
to utility failure rendering the school building unfit for school 30353
use, so long as the school was actually open for instruction with 30354
pupils in attendance during that school year for not less than 30355
nine hundred twenty hours. For purposes of determining funding for 30356
the community school under Chapter 3314. of the Revised Code for 30357
the 2007-2008 school year, the Department of Education shall treat 30358
the school as if it were open for instruction with pupils in 30359
attendance during the hours or days waived under this section. 30360

Section 733.21. (A) Notwithstanding sections 3313.48, 30361
3313.481, and 3317.01 of the Revised Code, no school district to 30362
which the following conditions apply shall be required to make up 30363
any days or hours a school was closed during the 2007-2008 school 30364
year due to flooding from a burst water pipe: 30365

(1) The flooding caused the school to be closed for only one 30366
day in excess of the number permitted by sections 3313.48, 30367
3313.481, and 3317.01 of the Revised Code and the other schools of 30368
the district were not closed for any days in excess of the number 30369
permitted by those sections. 30370

(2) The length of the school day for the school closed due to 30371
flooding exceeds the minimum number of hours required by the State 30372
Board of Education under section 3313.48 of the Revised Code by at 30373

least one-half hour. 30374

(B) A school district described in division (A) of this 30375
section shall not be considered to have failed to comply with 30376
division (B) of section 3317.01 of the Revised Code during the 30377
2007-2008 school year for purposes of receiving state payments 30378
under Chapter 3317. of the Revised Code in fiscal year 2009. 30379

Section 733.30. (A)(1) The clearinghouse of distance learning 30380
courses established under former sections 3353.20 to 3353.30 of 30381
the Revised Code is hereby moved from the eTech Ohio Commission to 30382
the Chancellor of the Ohio Board of Regents. On and after the 30383
effective date of this section, that clearinghouse shall be 30384
administered by the Chancellor in the manner prescribed by 30385
sections 3353.20 (3333.81), 3353.21 (3333.82), 3353.22 (3333.83), 30386
3353.26 (3333.85), 3353.27 (3333.86), 3353.28 (3333.87), and 30387
3353.29 (3333.88) of the Revised Code, as amended and renumbered 30388
by this act, new section numbers indicated in parentheses, and 30389
section 3333.84 of the Revised Code as enacted by this act. 30390

(2) The Chancellor is thereupon and thereafter successor to 30391
and assumes the obligations of the Commission as they relate to 30392
the distance learning clearinghouse. 30393

(3) Any business commenced but not completed by the 30394
Commission related to the distance learning clearinghouse shall be 30395
completed by the Chancellor in the same manner, and with the same 30396
effect, as if completed by the Commission. No validation, cure, 30397
right, privilege, remedy, obligation, or liability is lost or 30398
impaired by reason of moving the clearinghouse from the Commission 30399
to the Chancellor. 30400

(4) All of the rules of the Commission related to the 30401
distance learning clearinghouse continue in effect as rules of the 30402
Chancellor, until amended or rescinded by the Chancellor. 30403

(B) No judicial or administrative action or proceeding 30404
related to the distance learning clearinghouse, in which the 30405
Commission is a party, that is pending on the effective date of 30406
this section is affected by reason of moving the clearinghouse 30407
from the Commission to the Chancellor. Such action or proceeding 30408
shall be prosecuted or defended in the name of the Chancellor. On 30409
application to the court or other tribunal, the Chancellor of the 30410
Ohio Board of Regents shall be substituted for the eTech Ohio 30411
Commission as a party to such action or proceeding. 30412

(C) On the effective date of this section, all books, 30413
records, documents, files, transcripts, equipment, furniture, 30414
supplies, and other materials related to the distance learning 30415
clearinghouse assigned to or in the possession of the Commission 30416
shall be transferred to the Chancellor. 30417

Section 737.10. HOME MEDICAL EQUIPMENT SERVICE PROVIDERS 30418

If a provider of home medical equipment services holds a 30419
license or certificate of registration scheduled to expire in an 30420
odd-numbered year pursuant to sections 4752.05 and 4752.12 of the 30421
Revised Code, as those sections existed prior to being amended by 30422
this act, the next renewal of the license or certificate that 30423
occurs after the effective date of this section shall be processed 30424
by the Ohio Respiratory Care Board in accordance with the 30425
even-numbered year licensing and registration periods specified in 30426
sections 4752.05 and 4752.12 of the Revised Code, as amended by 30427
this act. The Board shall provide for a proportionate reduction in 30428
the renewal fee that otherwise would apply for renewing the 30429
license or certificate. 30430

Section 751.10. ICF/MR CONVERSION 30431

(A) As used in this section, "home and community-based 30432
services" has the same meaning as in section 5123.01 of the 30433

Revised Code. 30434

(B) For each quarter of fiscal year 2009, the Director of 30435
Mental Retardation and Developmental Disabilities shall certify to 30436
the Director of Budget and Management the estimated amount to be 30437
transferred from the Department of Job and Family Services to the 30438
Department of Mental Retardation and Developmental Disabilities 30439
for the provision of home and community-based services made 30440
available by the slots sought under section 5111.877 of the 30441
Revised Code. On receipt of the certification from the Director of 30442
Mental Retardation and Developmental Disabilities, the Director of 30443
Budget and Management may do one or more of the following: 30444

(1) Reduce GRF appropriation item 600-525, Health 30446
Care/Medicaid, in the Department of Job and Family Services, by 30447
the estimated amount for providing the home and community-based 30448
services and increase GRF appropriation item 322-416, Medicaid 30449
Waiver - State Match, in the Department of Mental Retardation and 30450
Developmental Disabilities, by the state share of the estimated 30451
amount for the provision of the home and community-based services; 30452

(2) Increase appropriation item 322-639, Medicaid Waiver - 30454
Federal, in the Department of Mental Retardation and Developmental 30455
Disabilities, by the federal share amount of the estimated amount 30456
for the provision of the home and community-based services; 30457

(3) Increase appropriation item 600-655, Interagency 30458
Reimbursement, in the Department of Job and Family Services, by 30459
the federal share of the estimated amount for the provision of the 30460
home and community-based services. 30461

Section 751.20. MONEY FOLLOWS THE PERSON ENHANCED 30462
REIMBURSEMENT FUND 30463

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 30494
a notice of intent to foreclose has been filed with the county 30495
treasurer before the effective date of this section shall have 30496
ninety days from the effective date of this section to file 30497
foreclosure proceedings in a court of competent jurisdiction. 30498

Section 803.06. The amendment by this act of section 5739.02 30499
of the Revised Code, adding divisions (B)(49) and (50), applies to 30500
sales described in those divisions on or after August 1, 2008. 30501
30502

Section 803.10. That the amendment of section 5747.01 of the 30503
Revised Code by this act applies to taxable years beginning on or 30504
after January 1, 2008. 30505

Section 803.20. The amendment by this act to section 6117.012 30506
of the Revised Code applies to any proceedings, covenant, 30507
stipulation, obligation, resolution, trust agreement, indenture, 30508
loan agreement, lease agreement, agreement, act, or action, or 30509
part of it, pending on the effective date of this act. 30510

Section 803.30. Sections 4117.01 and 4117.09 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 803.31. Sections 4117.14 and 4117.15 of the Revised 30516
Code, as amended by this act, apply only to collective bargaining 30517
agreements and extensions and renewals of those agreements entered 30518
into on or after the effective date of those sections as amended 30519
by this act. 30520

Section 803.40. Sections 4123.26, 4123.32, 4123.37, and 30521
4123.54 of the Revised Code, as amended by this act, apply to all 30522
claims pursuant to Chapters 4121., 4123., and 4131. of the Revised 30523
Code arising on and after the effective date of those sections as 30524
amended by this act. 30525

Section 803.50. BOARDS OF ALCOHOL, DRUG ADDICTION, AND MENTAL 30526
HEALTH SERVICES 30527

The amendments made by this act to section 340.02 of the 30528
Revised Code specifying the areas of interest to be reflected in 30529
the composition of a board of alcohol, drug addiction, and mental 30530
health service do not affect the terms of the members holding 30531
office on the effective date of this section. 30532

Section 806.10. The items of law contained in this act, and 30533
their applications, are severable. If any item of law contained in 30534
this act, or if any application of any item of law contained in 30535
this act, is held invalid, the invalidity does not affect other 30536
items of law contained in this act and their applications that can 30537
be given effect without the invalid item or application. 30538

Section 812.10. Except as otherwise provided in this act, the 30539
amendment, enactment, or repeal by this act of a section is 30540
subject to the referendum under Ohio Constitution, Article II, 30541
Section 1c and section 1.471 of the Revised Code. Such an 30542
amendment, enactment, or repeal takes effect on the date specified 30543
below for the amendment, enactment or repeal or, if a date is not 30544
specified below for the amendment, enactment or repeal, on the 30545
ninety-first day after this act is filed with the Secretary of 30546
State. 30547

Sections 9.835, 109.71, 113.061, 120.08, 122.171, 124.821, 30548
125.021, 125.04, 125.09, 125.18, 125.25, 133.08, 133.52, 135.101, 30549

135.102, 135.103, 135.104, 135.105, 135.106, 135.61, 135.63, 30550
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3316.03, 3316.041, 3316.06, 3316.08, 3317.023, 3317.161, 3317.20, 30558
3323.30, 3323.31 (3323.33), 3323.32 (3323.34), 3323.33 (3323.35), 30559
3333.84, 3335.05, 3341.03, 3343.08, 3344.02, 3352.02, 3353.02, 30560
3353.20 (3333.81), 3353.21 (3333.82), 3353.22 (3333.83), 3353.23, 30561
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(3333.87), 3353.29 (3333.88), 3353.30, 3354.16, 3355.12, 3356.02, 30563
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4928.142, 5101.5211, 5101.5212, 5101.5213, 5101.5214, 5101.5215, 30571
5101.80, 5111.032, 5111.941, 5123.0412, 5123.36, 5501.09, 5502.68, 30572
5525.01, 5703.19, 5703.57, 5705.194, 5705.199, 5705.214, 5705.29, 30573
5709.121, 5721.30, 5721.31, 5721.32, 5721.33, 5721.34, 5721.35, 30574
5721.36, 5721.37, 5721.371, 5721.38, 5721.381, 5721.39, 5721.40, 30575
5721.41, 5721.42, 5721.43, 5739.01, 5739.029, 5739.12, 5739.122, 30576
5739.124, 5741.04, 5741.12, 5741.121, 5741.122, 5743.021, 30577
5743.024, 5743.321, 5743.323, 5747.01, 5747.02, 5747.082, 30578
5748.022, 5749.17, 6117.01, 6117.011, 6117.012, 6117.04, 6117.05, 30579
6117.06, 6117.25, 6117.251, 6117.28, 6117.30, 6117.34, 6117.38, 30580
6117.41, 6117.42, 6117.43, 6117.44, 6117.45, 6117.49, 6121.045, 30581
and 6123.042 of the Revised Code. New sections 3323.31 and 3323.32 30582

of the Revised Code that replace sections bearing the same numbers 30583
that have been renumbered. 30584

Section 5 of Am. Sub. H.B. 24 of the 127th General Assembly, 30585
Section 203.10 of Am. Sub. H.B. 67 of the 127th General Assembly, 30586
and Sections 103.80.50, 201.30, 201.50, 301.20.20, 301.20.80, 30587
401.11, and 401.71 of H.B. 496 of the 127th General Assembly, all 30588
as amended by this act. 30589

All sections of this act prefixed with a section number in 30590
the 200s. 30591

Sections 620.20, 701.10, 701.20, 705.10, 711.10, 715.10, 30592
715.30, 715.40, 733.30, 737.10, 757.10, 803.03, 803.10, 803.20, 30593
803.30, 803.31, 803.40, 803.50, 812.10, and 815.10 of this act. 30594

Section 812.20. The amendment, enactment, or repeal by this 30595
act of the following sections is exempt from the referendum under 30596
Ohio Constitution, Article II, Section 1d and section 1.471 of the 30597
Revised Code and takes effect on the date specified below for the 30598
amendment, enactment or repeal or, if a date is not specified 30599
below for the amendment, enactment or repeal, immediately when 30600
this act becomes law. 30601

Sections 105.41, 113.40, 117.13, 117.38, 124.152, 149.30, 30602
353.01, 353.02, 353.03, 353.04, 353.05, 353.06, 353.061, 353.062, 30603
353.063, 3314.40, 3317.11, 3318.01, 3318.03, 3318.032, 3318.033, 30604
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5111.091, 5111.31, 5111.874, 5111.875, 5111.876, 5111.877, 30608
5111.878, 5111.879, 5111.88, 5111.881, 5111.882, 5111.883, 30609
5111.884, 5111.885, 5111.886, 5111.887, 5111.888, 5111.889, 30610
5111.8810, 5111.8811, 5111.8812, 5111.8813, 5111.8814, 5111.8815, 30611
5111.8816, 5111.8817, 5112.311, 5123.196, 5703.82, 5727.85, 30612
5739.21, 5745.05, 5751.20, and 5751.21 of the Revised Code. 30613

The enactment of sections 3323.36 and 5112.371 of the Revised Code takes effect July 1, 2008. 30614
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The amendment of section 5112.37 of the Revised Code takes effect July 1, 2008. 30616
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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. 30618
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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. 30620
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The repeal of section 5739.213 of the Revised Code takes effect July 1, 2008. 30623
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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. 30625
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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. 30636
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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 30640
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date specified below for the amendment, enactment, or repeal or, 30644
if a date is not specified below for the amendment, enactment, or 30645
repeal, immediately when this act becomes law. 30646

Sections 1346.03, 2921.13, 4301.432, 4301.441, 4301.47, 30647
4303.03, 4303.233, 4303.33, 4303.333, and 5739.02 of the Revised 30648
Code. 30649

Sections 4303.071 and 4303.232 of the Revised Code take 30650
effect July 1, 2008. 30651

Sections 803.06 and 812.30 of this act. 30652

Section 812.40. The amendment by this act of the sections of 30653
law that are listed in the left-hand column of the following table 30654
combine amendments that are and are not exempt from the referendum 30655
under Ohio Constitution, Article II, Sections 1c and 1d and 30656
section 1.471 of the Revised Code. 30657

The middle column identifies the amendments that are subject 30658
to the referendum under Ohio Constitution, Article II, Section 1c 30659
and section 1.471 of the Revised Code and take effect on the 30660
ninety-first day after this act is filed with the Secretary of 30661
State. 30662

The right-hand column identifies the amendments that are 30663
exempt from the referendum under Ohio Constitution, Article II, 30664
Section 1d and section 1.471 of the Revised Code and take effect 30665
immediately when this act becomes law. 30666

Section of law	Amendments subject to referendum	Amendments exempt from referendum	
5703.21	Division (C)(12)	Division (C)(11)	30667 30668

Section 815.10. Section 109.71 of the Revised Code is 30669
presented in this act as a composite of the section as amended by 30670
both Sub. H.B. 347 and Sub. H.B. 454 of the 126th General 30671
Assembly. Section 2935.01 of the Revised Code is presented in this 30672

act as a composite of the section as amended by both Sub. H.B. 545 30673
and H.B. 675 of the 124th General Assembly. Section 4301.421 of 30674
the Revised Code is presented in this act as a composite of the 30675
section as amended by both Sub. H.B. 239 and Am. Sub. S.B. 188 of 30676
the 121st General Assembly. The General Assembly, applying the 30677
principle stated in division (B) of section 1.52 of the Revised 30678
Code that amendments are to be harmonized if reasonably capable of 30679
simultaneous operation, finds that the composite is the resulting 30680
version of the section in effect prior to the effective date of 30681
the section as presented in this act. 30682
30683