

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

127th General Assembly

Regular Session

2007-2008

Sub. H. B. No. 562

Representative Hottinger

**Cosponsors: Representatives Peterson, Skindell, Bacon, Bolon, Boyd,
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Beatty, Celeste, Coley, Fende, Heard, Letson, Luckie, Newcomb, Sykes,
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Senators Carey, Cafaro, Wilson, Kearney

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A B I L L

To amend sections 9.231, 9.24, 9.835, 105.41,	1
113.061, 113.40, 117.13, 117.38, 120.08, 121.31,	2
122.171, 125.02, 125.021, 125.022, 125.04,	3
125.041, 125.05, 125.06, 125.07, 125.18, 125.25,	4
127.16, 133.08, 135.61, 135.63, 135.65, 135.66,	5
145.47, 149.30, 156.02, 165.01, 165.03, 303.12,	6
303.211, 306.43, 307.697, 317.32, 319.301,	7
321.261, 340.02, 340.021, 351.26, 519.12, 519.211,	8
715.73, 715.74, 901.42, 1332.04, 1346.03,	9
1561.011, 1561.16, 1561.17, 1561.23, 1561.25,	10
1561.26, 1565.15, 1751.01, 1751.04, 1751.05,	11
1751.11, 1751.111, 1751.12, 1751.13, 1751.15,	12
1751.16, 1751.17, 1751.18, 1751.20, 1751.31,	13
1751.34, 1751.53, 1751.60, 1751.89, 2743.49,	14

2744.05, 2903.12, 2903.213, 2903.214, 2915.101,	15
2919.26, 2921.13, 2923.11, 2949.092, 3111.04,	16
3113.06, 3113.31, 3119.023, 3119.54, 3301.0714,	17
3311.21, 3311.24, 3313.842, 3313.978, 3314.016,	18
3314.02, 3314.03, 3314.05, 3316.03, 3316.041,	19
3316.06, 3316.08, 3317.023, 3317.11, 3317.20,	20
3318.01, 3318.03, 3318.032, 3318.04, 3319.291,	21
3323.30, 3323.31, 3323.32, 3323.33, 3333.04,	22
3333.044, 3333.045, 3333.122, 3335.05, 3341.03,	23
3343.08, 3344.02, 3345.34, 3350.10, 3352.02,	24
3353.02, 3353.20, 3353.21, 3353.22, 3353.26,	25
3353.27, 3353.28, 3353.29, 3354.16, 3355.12,	26
3356.02, 3357.16, 3359.02, 3361.02, 3364.02,	27
3501.17, 3702.71, 3702.72, 3702.73, 3702.74,	28
3702.75, 3702.78, 3702.79, 3702.81, 3702.85,	29
3702.86, 3702.91, 3702.93, 3702.95, 3703.01,	30
3734.821, 3735.67, 3743.02, 3743.04, 3743.15,	31
3743.17, 3743.19, 3743.25, 3743.40, 3743.44,	32
3743.45, 3743.54, 3743.56, 3743.65, 3743.70,	33
3743.99, 3901.3814, 3905.40, 3923.281, 3923.443,	34
3961.04, 4112.12, 4117.14, 4117.15, 4123.26,	35
4123.32, 4123.37, 4123.54, 4131.03, 4301.355,	36
4301.421, 4301.424, 4301.62, 4303.182, 4510.10,	37
4511.01, 4511.101, 4511.181, 4511.191, 4731.65,	38
4731.71, 4735.01, 4735.02, 4735.10, 4735.13,	39
4735.14, 4735.141, 4752.04, 4752.05, 4752.06,	40
4752.07, 4752.11, 4752.12, 4752.13, 4906.13,	41
4906.98, 4928.142, 4928.20, 4981.14, 5101.26,	42
5101.5211, 5101.5212, 5101.5213, 5101.5214,	43
5101.5215, 5101.571, 5101.572, 5101.58, 5101.80,	44
5111.032, 5111.084, 5111.091, 5111.31, 5111.94,	45
5111.941, 5112.31, 5112.37, 5123.0412, 5123.196,	46
5123.36, 5513.01, 5525.01, 5703.19, 5703.21,	47

5703.57, 5705.194, 5705.214, 5705.29, 5709.121, 48
5721.30, 5721.31, 5721.32, 5721.33, 5721.34, 49
5721.35, 5721.36, 5721.37, 5721.38, 5721.39, 50
5721.40, 5721.41, 5721.42, 5721.43, 5727.84, 51
5727.85, 5739.01, 5739.02, 5739.029, 5739.09, 52
5739.12, 5739.122, 5739.124, 5739.21, 5741.04, 53
5741.12, 5741.121, 5741.122, 5743.021, 5743.024, 54
5743.321, 5743.323, 5745.05, 5747.01, 5747.02, 55
5748.022, 5751.20, 5751.21, 6101.53, 6101.55, 56
6117.01, 6117.011, 6117.012, 6117.04, 6117.05, 57
6117.06, 6117.25, 6117.251, 6117.28, 6117.30, 58
6117.34, 6117.38, 6117.41, 6117.42, 6117.43, 59
6117.44, 6117.45, and 6117.49; to amend, for the 60
purpose of adopting new section numbers as 61
indicated in parentheses, sections 3323.31 62
(3323.33), 3323.32 (3323.34), 3323.33 (3323.35), 63
3353.20 (3333.81), 3353.21 (3333.82), 3353.22 64
(3333.83), 3353.26 (3333.85), 3353.27 (3333.86), 65
3353.28 (3333.87), and 3353.29 (3333.88); to enact 66
new sections 3323.31 and 3323.32 and sections 67
107.19, 125.051, 133.52, 135.101, 135.102, 68
135.103, 135.104, 135.105, 135.106, 303.213, 69
519.213, 713.081, 1561.24, 1561.261, 1567.64, 70
1567.681, 2907.10, 2943.033, 2949.094, 3107.018, 71
3310.42, 3314.37, 3314.40, 3318.033, 3318.034, 72
3326.45, 3326.51, 3333.58, 3333.84, 3365.15, 73
3925.101, 4303.041, 4735.142, 4905.84, 4906.20, 74
5101.143, 5104.041, 5111.0210, 5111.71, 5111.711, 75
5111.712, 5111.713, 5111.714, 5111.715, 5111.874, 76
5111.875, 5111.876, 5111.877, 5111.878, 5111.879, 77
5111.8710, 5112.371, 5123.0417, 5501.09, 5502.68, 78
5533.94, 5703.82, 5705.199, 5721.371, 5721.381, 79
5747.082, 5749.17, 6121.045, and 6123.042; to 80

repeal sections 124.821, 3314.086, 3317.161, 81
3353.23, 3353.24, 3353.25, 3353.30, 5111.88, 82
5111.881, 5111.882, 5111.883, 5111.884, 5111.885, 83
5111.886, 5111.887, 5111.888, 5111.889, 5111.8810, 84
5111.8811, 5111.8812, 5111.8813, 5111.8814, 85
5111.8815, 5111.8816, 5111.8817, 5112.311, and 86
5739.213 of the Revised Code; to amend Sections 87
315.10 and 555.19 of Am. Sub. H.B. 67 of the 127th 88
General Assembly, to amend Sections 203.10 and 89
203.50 of Am. Sub. H.B. 67 of the 127th General 90
Assembly, as subsequently amended, to amend 91
Sections 201.10 and 512.70 of Am. Sub. H.B. 100 of 92
the 127th General Assembly, to amend Sections 93
207.20.50, 207.20.70, 207.30.10, 207.30.20, 94
207.30.30, 219.10, 235.10, 261.10, 263.10, 95
263.20.10, 263.20.80, 263.30.10, 269.30.30, 96
269.30.70, 269.40.50, 269.50.30, 275.10, 293.10, 97
299.10, 307.10, 309.10, 309.30.13, 309.30.30, 98
309.30.40, 309.30.41, 309.30.42, 309.40.33, 99
337.30, 337.30.43, 337.40, 337.40.15, 369.10, 100
375.10, 379.10, 393.10, 405.10, 407.10, 512.03, 101
512.35, and 518.03 of Am. Sub. H.B. 119 of the 102
127th General Assembly, to amend Section 249.10 of 103
Am. Sub. H.B. 119 of the 127th General Assembly, 104
as subsequently amended, to amend Sections 101.10, 105
103.80.50, 201.30, 201.50, 301.20.20, 301.20.80, 106
401.11, and 401.71 of H.B. 496 of the 127th 107
General Assembly; to repeal Section 5 of Am. Sub. 108
H.B. 24 of the 127th General Assembly and to 109
repeal Section 375.80.10 of Am. Sub. H.B. 119 of 110
the 127th General Assembly to make capital and 111
other appropriations and to provide authorization 112
and conditions for the operation of state 113

programs. 114
115
116

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

Section 101.01. That sections 9.231, 9.24, 9.835, 105.41, 117
113.061, 113.40, 117.13, 117.38, 120.08, 121.31, 122.171, 125.02, 118
125.021, 125.022, 125.04, 125.041, 125.05, 125.06, 125.07, 125.18, 119
125.25, 127.16, 133.08, 135.61, 135.63, 135.65, 135.66, 145.47, 120
149.30, 156.02, 165.01, 165.03, 303.12, 303.211, 306.43, 307.697, 121
317.32, 319.301, 321.261, 340.02, 340.021, 351.26, 519.12, 122
519.211, 715.73, 715.74, 901.42, 1332.04, 1346.03, 1561.011, 123
1561.16, 1561.17, 1561.23, 1561.25, 1561.26, 1565.15, 1751.01, 124
1751.04, 1751.05, 1751.11, 1751.111, 1751.12, 1751.13, 1751.15, 125
1751.16, 1751.17, 1751.18, 1751.20, 1751.31, 1751.34, 1751.53, 126
1751.60, 1751.89, 2743.49, 2744.05, 2903.12, 2903.213, 2903.214, 127
2915.101, 2919.26, 2921.13, 2923.11, 2949.092, 3111.04, 3113.06, 128
3113.31, 3119.023, 3119.54, 3301.0714, 3311.21, 3311.24, 3313.842, 129
3313.978, 3314.016, 3314.02, 3314.03, 3314.05, 3316.03, 3316.041, 130
3316.06, 3316.08, 3317.023, 3317.11, 3317.20, 3318.01, 3318.03, 131
3318.032, 3318.04, 3319.291, 3323.30, 3323.31, 3323.32, 3323.33, 132
3333.04, 3333.044, 3333.045, 3333.122, 3335.05, 3341.03, 3343.08, 133
3344.02, 3345.34, 3350.10, 3352.02, 3353.02, 3353.20, 3353.21, 134
3353.22, 3353.26, 3353.27, 3353.28, 3353.29, 3354.16, 3355.12, 135
3356.02, 3357.16, 3359.02, 3361.02, 3364.02, 3501.17, 3702.71, 136
3702.72, 3702.73, 3702.74, 3702.75, 3702.78, 3702.79, 3702.81, 137
3702.85, 3702.86, 3702.91, 3702.93, 3702.95, 3703.01, 3734.821, 138
3735.67, 3743.02, 3743.04, 3743.15, 3743.17, 3743.19, 3743.25, 139
3743.40, 3743.44, 3743.45, 3743.54, 3743.56, 3743.65, 3743.70, 140
3743.99, 3901.3814, 3905.40, 3923.281, 3923.443, 3961.04, 4112.12, 141
4117.14, 4117.15, 4123.26, 4123.32, 4123.37, 4123.54, 4131.03, 142
4301.355, 4301.421, 4301.424, 4301.62, 4303.182, 4510.10, 4511.01, 143

4511.101, 4511.181, 4511.191, 4731.65, 4731.71, 4735.01, 4735.02, 144
4735.10, 4735.13, 4735.14, 4735.141, 4752.04, 4752.05, 4752.06, 145
4752.07, 4752.11, 4752.12, 4752.13, 4906.13, 4906.98, 4928.142, 146
4928.20, 4981.14, 5101.26, 5101.5211, 5101.5212, 5101.5213, 147
5101.5214, 5101.5215, 5101.571, 5101.572, 5101.58, 5101.80, 148
5111.032, 5111.084, 5111.091, 5111.31, 5111.94, 5111.941, 5112.31, 149
5112.37, 5123.0412, 5123.196, 5123.36, 5513.01, 5525.01, 5703.19, 150
5703.21, 5703.57, 5705.194, 5705.214, 5705.29, 5709.121, 5721.30, 151
5721.31, 5721.32, 5721.33, 5721.34, 5721.35, 5721.36, 5721.37, 152
5721.38, 5721.39, 5721.40, 5721.41, 5721.42, 5721.43, 5727.84, 153
5727.85, 5739.01, 5739.02, 5739.029, 5739.09, 5739.12, 5739.122, 154
5739.124, 5739.21, 5741.04, 5741.12, 5741.121, 5741.122, 5743.021, 155
5743.024, 5743.321, 5743.323, 5745.05, 5747.01, 5747.02, 5748.022, 156
5751.20, 5751.21, 6101.53, 6101.55, 6117.01, 6117.011, 6117.012, 157
6117.04, 6117.05, 6117.06, 6117.25, 6117.251, 6117.28, 6117.30, 158
6117.34, 6117.38, 6117.41, 6117.42, 6117.43, 6117.44, 6117.45, and 159
6117.49 be amended; sections 3323.31 (3323.33), 3323.32 (3323.34), 160
3323.33 (3323.35), 3353.20 (3333.81), 3353.21 (3333.82), 3353.22 161
(3333.83), 3353.26 (3333.85), 3353.27 (3333.86), 3353.28 162
(3333.87), and 3353.29 (3333.88) be amended for the purposes of 163
adopting new section numbers as indicated in parentheses; and new 164
sections 3323.31 and 3323.32 and sections 107.19, 125.051, 133.52, 165
135.101, 135.102, 135.103, 135.104, 135.105, 135.106, 303.213, 166
519.213, 713.081, 1561.24, 1561.261, 1567.64, 1567.681, 2907.10, 167
2943.033, 2949.094, 3107.018, 3310.42, 3314.37, 3314.40, 3318.033, 168
3318.034, 3326.45, 3326.51, 3333.58, 3333.84, 3365.15, 3925.101, 169
4303.041, 4735.142, 4905.84, 4906.20, 5101.143, 5104.041, 170
5111.0210, 5111.71, 5111.711, 5111.712, 5111.713, 5111.714, 171
5111.715, 5111.874, 5111.875, 5111.876, 5111.877, 5111.878, 172
5111.879, 5111.8710, 5112.371, 5123.0417, 5501.09, 5502.68, 173
5533.94, 5703.82, 5705.199, 5721.371, 5721.381, 5747.082, 5749.17, 174
6121.045, and 6123.042 of the Revised Code be enacted to read as 175

follows: 176
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Sec. 9.231. (A)(1) Subject to divisions (A)(2) and (3) of 181
this section, a governmental entity shall not disburse money 182
totaling twenty-five thousand dollars or more to any person for 183
the provision of services for the primary benefit of individuals 184
or the public and not for the primary benefit of a governmental 185
entity or the employees of a governmental entity, unless the 186
contracting authority of the governmental entity first enters into 187
a written contract with the person that is signed by the person or 188
by an officer or agent of the person authorized to legally bind 189
the person and that embodies all of the requirements and 190
conditions set forth in sections 9.23 to 9.236 of the Revised 191
Code. If the disbursement of money occurs over the course of a 192
governmental entity's fiscal year, rather than in a lump sum, the 193
contracting authority of the governmental entity shall enter into 194
the written contract with the person at the point during the 195
governmental entity's fiscal year that at least seventy-five 196
thousand dollars has been disbursed by the governmental entity to 197
the person. Thereafter, the contracting authority of the 198
governmental entity shall enter into the written contract with the 199
person at the beginning of the governmental entity's fiscal year, 200
if, during the immediately preceding fiscal year, the governmental 201
entity disbursed to that person an aggregate amount totaling at 202
least seventy-five thousand dollars. 203

(2) If the money referred to in division (A)(1) of this 204
section is disbursed by or through more than one state agency to 205
the person for the provision of services to the same population, 206

the contracting authorities of those agencies shall determine 207
which one of them will enter into the written contract with the 208
person. 209

(3) The requirements and conditions set forth in divisions 210
(A), (B), (C), and (F) of section 9.232, divisions (A)(1) and (2) 211
and (B) of section 9.234, divisions (A)(2) and (B) of section 212
9.235, and sections 9.233 and 9.236 of the Revised Code do not 213
apply with respect to the following: 214

(a) Contracts to which all of the following apply: 215

(i) The amount received for the services is a set fee for 216
each time the services are provided, is determined in accordance 217
with a fixed rate per unit of time or per service, or is a 218
capitated rate, and the fee or rate is established by competitive 219
bidding or by a market rate survey of similar services provided in 220
a defined market area. The market rate survey may be one conducted 221
by or on behalf of the governmental entity or an independent 222
survey accepted by the governmental entity as statistically valid 223
and reliable. 224

(ii) The services are provided in accordance with standards 225
established by state or federal law, or by rules or regulations 226
adopted thereunder, for their delivery, which standards are 227
enforced by the federal government, a governmental entity, or an 228
accrediting organization recognized by the federal government or a 229
governmental entity. 230

(iii) Payment for the services is made after the services are 231
delivered and upon submission to the governmental entity of an 232
invoice or other claim for payment as required by any applicable 233
local, state, or federal law or, if no such law applies, by the 234
terms of the contract. 235

(b) Contracts under which the services are reimbursed through 236
or in a manner consistent with a federal program that meets all of 237

the following requirements:	238
(i) The program calculates the reimbursement rate on the basis of the previous year's experience or in accordance with an alternative method set forth in rules adopted by the Ohio department of job and family services.	239 240 241 242
(ii) The reimbursement rate is derived from a breakdown of direct and indirect costs.	243 244
(iii) The program's guidelines describe types of expenditures that are allowable and not allowable under the program and delineate which costs are acceptable as direct costs for purposes of calculating the reimbursement rate.	245 246 247 248
(iv) The program includes a uniform cost reporting system with specific audit requirements.	249 250
(c) Contracts under which the services are reimbursed through or in a manner consistent with a federal program that calculates the reimbursement rate on a fee for service basis in compliance with United States office of management and budget Circular A-87, as revised May 10, 2004.	251 252 253 254 255
(d) Contracts for services that are paid pursuant to the earmarking of an appropriation made by the general assembly for that purpose.	256 257 258
(B) Division (A) of this section does not apply if the money is disbursed to a person pursuant to a contract with the United States or a governmental entity under any of the following circumstances:	259 260 261 262
(1) The person receives the money directly or indirectly from the United States, and no governmental entity exercises any oversight or control over the use of the money.	263 264 265
(2) The person receives the money solely in return for the performance of one or more of the following types of services:	266 267

(a) Medical, therapeutic, or other health-related services 268
provided by a person if the amount received is a set fee for each 269
time the person provides the services, is determined in accordance 270
with a fixed rate per unit of time, or is a capitated rate, and 271
the fee or rate is reasonable and customary in the person's trade 272
or profession; 273

(b) Medicaid-funded services, including administrative and 274
management services, provided pursuant to a contract or medicaid 275
provider agreement that meets the requirements of the medicaid 276
program established under Chapter 5111. of the Revised Code. 277

(c) Services, other than administrative or management 278
services or any of the services described in division (B)(2)(a) or 279
(b) of this section, that are commonly purchased by the public at 280
an hourly rate or at a set fee for each time the services are 281
provided, unless the services are performed for the benefit of 282
children, persons who are eligible for the services by reason of 283
advanced age, medical condition, or financial need, or persons who 284
are confined in a detention facility as defined in section 2921.01 285
of the Revised Code, and the services are intended to help promote 286
the health, safety, or welfare of those children or persons; 287

(d) Educational services provided by a school to children 288
eligible to attend that school. For purposes of division (B)(2)(d) 289
of this section, "school" means any school operated by a school 290
district board of education, any community school established 291
under Chapter 3314. of the Revised Code, or any nonpublic school 292
for which the state board of education prescribes minimum 293
education standards under section 3301.07 of the Revised Code. 294

(e) Services provided by a foster home as defined in section 295
5103.02 of the Revised Code; 296

(f) "Routine business services other than administrative or 297
management services," as that term is defined by the attorney 298

general by rule adopted in accordance with Chapter 119. of the Revised Code;

(g) Services to protect the environment or promote environmental education that are provided by a nonprofit entity or services to protect the environment that are funded with federal grants or revolving loan funds and administered in accordance with federal law;

(h) Services, including administrative and management services, provided under the children's buy-in program established under sections 5101.5211 to 5101.5216 of the Revised Code.

(3) The person receives the money solely in return for the performance of services intended to help preserve public health or safety under circumstances requiring immediate action as a result of a natural or man-made emergency.

(C) With respect to a nonprofit association, corporation, or organization established for the purpose of providing educational, technical, consulting, training, financial, or other services to its members in exchange for membership dues and other fees, any of the services provided to a member that is a governmental entity shall, for purposes of this section, be considered services "for the primary benefit of a governmental entity or the employees of a governmental entity.

Sec. 9.24. (A) Except as may be allowed under division (F) of this section, no state agency and no political subdivision shall award a contract as described in division (G)(1) of this section for goods, services, or construction, paid for in whole or in part with state funds, to a person against whom a finding for recovery has been issued by the auditor of state on and after January 1, 2001, if the finding for recovery is unresolved.

A contract is considered to be awarded when it is entered

into or executed, irrespective of whether the parties to the 329
contract have exchanged any money. 330

(B) For purposes of this section, a finding for recovery is 331
unresolved unless one of the following criteria applies: 332

(1) The money identified in the finding for recovery is paid 333
in full to the state agency or political subdivision to whom the 334
money was owed; 335

(2) The debtor has entered into a repayment plan that is 336
approved by the attorney general and the state agency or political 337
subdivision to whom the money identified in the finding for 338
recovery is owed. A repayment plan may include a provision 339
permitting a state agency or political subdivision to withhold 340
payment to a debtor for goods, services, or construction provided 341
to or for the state agency or political subdivision pursuant to a 342
contract that is entered into with the debtor after the date the 343
finding for recovery was issued. 344

(3) The attorney general waives a repayment plan described in 345
division (B)(2) of this section for good cause; 346

(4) The debtor and state agency or political subdivision to 347
whom the money identified in the finding for recovery is owed have 348
agreed to a payment plan established through an enforceable 349
settlement agreement. 350

(5) The state agency or political subdivision desiring to 351
enter into a contract with a debtor certifies, and the attorney 352
general concurs, that all of the following are true: 353

(a) Essential services the state agency or political 354
subdivision is seeking to obtain from the debtor cannot be 355
provided by any other person besides the debtor; 356

(b) Awarding a contract to the debtor for the essential 357
services described in division (B)(5)(a) of this section is in the 358

best interest of the state; 359

(c) Good faith efforts have been made to collect the money 360
identified in the finding of recovery. 361

(6) The debtor has commenced an action to contest the finding 362
for recovery and a final determination on the action has not yet 363
been reached. 364

(C) The attorney general shall submit an initial report to 365
the auditor of state, not later than December 1, 2003, indicating 366
the status of collection for all findings for recovery issued by 367
the auditor of state for calendar years 2001, 2002, and 2003. 368
Beginning on January 1, 2004, the attorney general shall submit to 369
the auditor of state, on the first day of every January, April, 370
July, and October, a list of all findings for recovery that have 371
been resolved in accordance with division (B) of this section 372
during the calendar quarter preceding the submission of the list 373
and a description of the means of resolution. The attorney general 374
shall notify the auditor of state when a judgment is issued 375
against an entity described in division (F)(1) of this section. 376

(D) The auditor of state shall maintain a database, 377
accessible to the public, listing persons against whom an 378
unresolved finding for recovery has been issued, and the amount of 379
the money identified in the unresolved finding for recovery. The 380
auditor of state shall have this database operational on or before 381
January 1, 2004. The initial database shall contain the 382
information required under this division for calendar years 2001, 383
2002, and 2003. 384

Beginning January 15, 2004, the auditor of state shall update 385
the database by the fifteenth day of every January, April, July, 386
and October to reflect resolved findings for recovery that are 387
reported to the auditor of state by the attorney general on the 388
first day of the same month pursuant to division (C) of this 389

section. 390

(E) Before awarding a contract as described in division 391
(G)(1) of this section for goods, services, or construction, paid 392
for in whole or in part with state funds, a state agency or 393
political subdivision shall verify that the person to whom the 394
state agency or political subdivision plans to award the contract 395
has no unresolved finding for recovery issued against the person. 396
A state agency or political subdivision shall verify that the 397
person does not appear in the database described in division (D) 398
of this section or shall obtain other proof that the person has no 399
unresolved finding for recovery issued against the person. 400

(F) The prohibition of division (A) of this section and the 401
requirement of division (E) of this section do not apply with 402
respect to the companies, payments, or agreements described in 403
divisions (F)(1) and (2) of this section, or in the circumstance 404
described in division (F)(3) of this section. 405

(1) A bonding company or a company authorized to transact the 406
business of insurance in this state, a self-insurance pool, joint 407
self-insurance pool, risk management program, or joint risk 408
management program, unless a court has entered a final judgment 409
against the company and the company has not yet satisfied the 410
final judgment. 411

(2) To medicaid provider agreements under Chapter 5111. of 412
the Revised Code ~~or~~, payments or provider agreements under 413
disability assistance medical assistance established under Chapter 414
5115. of the Revised Code, or payments or provider agreements 415
under the children's buy-in program established under sections 416
5101.5211 to 5101.5216 of the Revised Code. 417

(3) When federal law dictates that a specified entity provide 418
the goods, services, or construction for which a contract is being 419
awarded, regardless of whether that entity would otherwise be 420

prohibited from entering into the contract pursuant to this 421
section. 422

(G)(1) This section applies only to contracts for goods, 423
services, or construction that satisfy the criteria in either 424
division (G)(1)(a) or (b) of this section. This section may apply 425
to contracts for goods, services, or construction that satisfy the 426
criteria in division (G)(1)(c) of this section, provided that the 427
contracts also satisfy the criteria in either division (G)(1)(a) 428
or (b) of this section. 429

(a) The cost for the goods, services, or construction 430
provided under the contract is estimated to exceed twenty-five 431
thousand dollars. 432

(b) The aggregate cost for the goods, services, or 433
construction provided under multiple contracts entered into by the 434
particular state agency and a single person or the particular 435
political subdivision and a single person within the fiscal year 436
preceding the fiscal year within which a contract is being entered 437
into by that same state agency and the same single person or the 438
same political subdivision and the same single person, exceeded 439
fifty thousand dollars. 440

(c) The contract is a renewal of a contract previously 441
entered into and renewed pursuant to that preceding contract. 442

(2) This section does not apply to employment contracts. 443

(H) As used in this section: 444

(1) "State agency" has the same meaning as in section 9.66 of 445
the Revised Code. 446

(2) "Political subdivision" means a political subdivision as 447
defined in section 9.82 of the Revised Code that has received more 448
than fifty thousand dollars of state money in the current fiscal 449
year or the preceding fiscal year. 450

(3) "Finding for recovery" means a determination issued by 451
the auditor of state, contained in a report the auditor of state 452
gives to the attorney general pursuant to section 117.28 of the 453
Revised Code, that public money has been illegally expended, 454
public money has been collected but not been accounted for, public 455
money is due but has not been collected, or public property has 456
been converted or misappropriated. 457

(4) "Debtor" means a person against whom a finding for 458
recovery has been issued. 459

(5) "Person" means the person named in the finding for 460
recovery. 461

(6) "State money" does not include funds the state receives 462
from another source and passes through to a political subdivision. 463
464

Sec. 9.835. (A) As used in this section: 465

(1) "Energy price risk management contract" means a contract 466
that ~~mitigates~~ is intended to mitigate, for the term of the 467
contract, the price volatility of energy sources, including, but 468
not limited to, a contract or futures contract for natural gas, 469
gasoline, oil, and diesel fuel, and that is a budgetary and 470
financial tool only and not a contract for the procurement of an 471
energy source. 472

(2) "Political subdivision" means a county, city, village, 473
township, park district, ~~or~~ school district, or regional transit 474
authority. 475

(3) "State entity" means the general assembly, the supreme 476
court, the court of claims, the office of an elected state 477
officer, or a department, bureau, board, office, commission, 478
agency, institution, or other instrumentality of this state 479
established by the constitution or laws of this state for the 480

exercise of any function of state government, but excludes a 481
political subdivision, an institution of higher education, the 482
public employees retirement system, the Ohio police and fire 483
pension fund, the state teachers retirement system, the school 484
employees retirement system, the state highway patrol retirement 485
system, or the city of Cincinnati retirement system. 486

(4) "State official" means the elected or appointed official, 487
or that person's designee, charged with the management of a state 488
entity. 489

(B) If it determines that doing so is in the best interest of 490
the state entity or the political subdivision, and subject to, 491
respectively, state or local appropriation to pay amounts due, a 492
state official or the legislative or other governing authority of 493
a political subdivision may enter into an energy price risk 494
management contract. Money received pursuant to such a contract 495
entered into by a state official shall be deposited to the credit 496
of the general revenue fund of this state, and, unless otherwise 497
provided by ordinance or resolution enacted or adopted by the 498
legislative authority of the political subdivision authorizing any 499
such contract, money received under the contract shall be 500
deposited to the credit of the general fund of the political 501
subdivision. 502

(C) An energy price risk management contract is not an 503
investment for the purposes of section 135.14 of the Revised Code. 504

Sec. 105.41. (A) There is hereby created the capitol square 505
review and advisory board, consisting of thirteen members as 506
follows: 507

(1) Two members of the senate, appointed by the president of 508
the senate, both of whom shall not be members of the same 509
political party; 510

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

(3) Five members appointed by the governor, with the advice and consent of the senate, not more than three of whom shall be members of the same political party, one of whom shall ~~represent the office of the state architect and engineer~~ be the chief of staff of the governor's office, one of whom shall represent the Ohio arts council, one of whom shall represent the Ohio historical society, one of whom shall represent the Ohio building authority, and one of whom shall represent the public at large;

(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 and the chief of staff of the governor's office shall be a member of the board only so long as the appointing governor remains in office. Each

member shall hold office from the date of the member's appointment 542
until the end of the term for which the member was appointed. In 543
case of a vacancy occurring on the board, the president of the 544
senate, the speaker of the house of representatives, or the 545
governor, as the case may be, shall in the same manner prescribed 546
for the regular appointment to the commission, fill the vacancy by 547
appointing a member. Any member appointed to fill a vacancy 548
occurring prior to the expiration of the term for which the 549
member's predecessor was appointed shall hold office for the 550
remainder of the term. Any appointed member shall continue in 551
office subsequent to the expiration date of the member's term 552
until the member's successor takes office, or until a period of 553
sixty days has elapsed, whichever occurs first. 554

(C) The board shall hold meetings in a manner and at times 555
prescribed by the rules adopted by the board. A majority of the 556
board constitutes a quorum, and no action shall be taken by the 557
board unless approved by at least six members or by at least seven 558
members if a person is appointed under division (A)(4) or (5) of 559
this section. At its first meeting, the board shall adopt rules 560
for the conduct of its business and the election of its officers, 561
and shall organize by selecting a chairperson and other officers 562
as it considers necessary. Board members shall serve without 563
compensation but shall be reimbursed for actual and necessary 564
expenses incurred in the performance of their duties. 565

(D) The board may do any of the following: 566

(1) Employ or hire on a consulting basis professional, 567
technical, and clerical employees as are necessary for the 568
performance of its duties; 569

(2) Hold public hearings at times and places as determined by 570
the board; 571

(3) Adopt, amend, or rescind rules necessary to accomplish 572

the duties of the board as set forth in this section; 573

(4) Sponsor, conduct, and support such social events as the 574
board may authorize and consider appropriate for the employees of 575
the board, employees and members of the general assembly, 576
employees of persons under contract with the board or otherwise 577
engaged to perform services on the premises of capitol square, or 578
other persons as the board may consider appropriate. Subject to 579
the requirements of Chapter 4303. of the Revised Code, the board 580
may provide beer, wine, and intoxicating liquor, with or without 581
charge, for those events and may use funds only from the sale of 582
goods and services fund to purchase the beer, wine, and 583
intoxicating liquor the board provides. 584

(E) The board shall do all of the following: 585

(1) Have sole authority to coordinate and approve any 586
improvements, additions, and renovations that are made to the 587
capitol square. The improvements shall include, but not be limited 588
to, the placement of monuments and sculpture on the capitol 589
grounds. 590

(2) Subject to section 3353.07 of the Revised Code, operate 591
the capitol square, and have sole authority to regulate all uses 592
of the capitol square. The uses shall include, but not be limited 593
to, the casual and recreational use of the capitol square. 594

(3) Employ, fix the compensation of, and prescribe the duties 595
of the executive director of the board and other employees the 596
board considers necessary for the performance of its powers and 597
duties; 598

(4) Establish and maintain the capitol collection trust. The 599
capitol collection trust shall consist of furniture, antiques, and 600
other items of personal property that the board shall store in 601
suitable facilities until they are ready to be ~~placed~~ displayed in 602
the capitol square. 603

(5) Perform repair, construction, contracting, purchasing, 604
maintenance, supervisory, and operating activities the board 605
determines are necessary for the operation and maintenance of the 606
capitol square; 607

(6) Maintain and preserve the capitol square, in accordance 608
with guidelines issued by the United States secretary of the 609
interior for application of the secretary's standards for 610
rehabilitation adopted in 36 C.F.R. part 67*i* 611

(7) Plan and develop a center at the capitol building for the 612
purpose of educating visitors about the history of Ohio, including 613
its political, economic, and social development and the design and 614
erection of the capitol building and its grounds; 615

(8) Purchase a warehouse in which to store items of the 616
capitol collection trust and, whenever necessary, equipment or 617
other property of the board. 618

(F)(1) The board shall lease capital facilities improved or 619
financed by the Ohio building authority pursuant to Chapter 152. 620
of the Revised Code for the use of the board, and may enter into 621
any other agreements with the authority ancillary to improvement, 622
financing, or leasing of those capital facilities, including, but 623
not limited to, any agreement required by the applicable bond 624
proceedings authorized by Chapter 152. of the Revised Code. Any 625
lease of capital facilities authorized by this section shall be 626
governed by division (D) of section 152.24 of the Revised Code. 627

(2) Fees, receipts, and revenues received by the board from 628
the state underground parking garage constitute available receipts 629
as defined in section 152.09 of the Revised Code, and may be 630
pledged to the payment of bond service charges on obligations 631
issued by the Ohio building authority pursuant to Chapter 152. of 632
the Revised Code to improve ~~ex~~, finance, or purchase capital 633
facilities useful to the board. The authority may, with the 634

consent of the board, provide in the bond proceedings for a pledge 635
of all or a portion of those fees, receipts, and revenues as the 636
authority determines. The authority may provide in the bond 637
proceedings or by separate agreement with the board for the 638
transfer of those fees, receipts, and revenues to the appropriate 639
bond service fund or bond service reserve fund as required to pay 640
the bond service charges when due, and any such provision for the 641
transfer of those fees, receipts, and revenues shall be 642
controlling notwithstanding any other provision of law pertaining 643
to those fees, receipts, and revenues. 644

(3) All moneys received by the treasurer of state on account 645
of the board and required by the applicable bond proceedings or by 646
separate agreement with the board to be deposited, transferred, or 647
credited to the bond service fund or bond service reserve fund 648
established by the bond proceedings shall be transferred by the 649
treasurer of state to such fund, whether or not it is in the 650
custody of the treasurer of state, without necessity for further 651
appropriation, upon receipt of notice from the Ohio building 652
authority as prescribed in the bond proceedings. 653

(G) All fees, receipts, and revenues received by the board 654
from the state underground parking garage shall be deposited into 655
the state treasury to the credit of the underground parking garage 656
operating fund, which is hereby created, to be used for the 657
purposes specified in division (F) of this section and for the 658
operation and maintenance of the garage. All investment earnings 659
of the fund shall be credited to the fund. 660

(H) All donations received by the board shall be deposited 661
into the state treasury to the credit of the capitol square 662
renovation gift fund, which is hereby created. The fund shall be 663
used by the board as follows: 664

(1) To provide part or all of the funding related to 665
construction, goods, or services for the renovation of the capitol 666

square; 667

(2) To purchase art, antiques, and artifacts for display at 668
the capitol square; 669

(3) To award contracts or make grants to organizations for 670
educating the public regarding the historical background and 671
governmental functions of the capitol square. Chapters 125., 127., 672
and 153. and section 3517.13 of the Revised Code do not apply to 673
purchases made exclusively from the fund, notwithstanding anything 674
to the contrary in those chapters or that section. All investment 675
earnings of the fund shall be credited to the fund. 676

(I) Except as provided in divisions (G), (H), and (J) of this 677
section, all fees, receipts, and revenues received by the board 678
shall be deposited into the state treasury to the credit of the 679
sale of goods and services fund, which is hereby created. Money 680
credited to the fund shall be used solely to pay costs of the 681
board other than those specified in divisions (F) and (G) of this 682
section. All investment earnings of the fund shall be credited to 683
the fund. 684

(J) There is hereby created in the state treasury the capitol 685
square improvement fund, to be used by the board to pay 686
construction, renovation, and other costs related to the capitol 687
square for which money is not otherwise available to the board. 688
Whenever the board determines that there is a need to incur those 689
costs and that the unencumbered, unobligated balance to the credit 690
of the underground parking garage operating fund exceeds the 691
amount needed for the purposes specified in division (F) of this 692
section and for the operation and maintenance of the garage, the 693
board may request the director of budget and management to 694
transfer from the underground parking garage operating fund to the 695
capitol square improvement fund the amount needed to pay such 696
construction, renovation, or other costs. The director then shall 697
transfer the amount needed from the excess balance of the 698

underground parking garage operating fund. 699

(K) As the operation and maintenance of the capitol square 700
constitute essential government functions of a public purpose, the 701
board shall not be required to pay taxes or assessments upon the 702
square, upon any property acquired or used by the board under this 703
section, or upon any income generated by the operation of the 704
square. 705

(L) As used in this section, "capitol square" means the 706
capitol building, senate building, capitol atrium, capitol 707
grounds, ~~and~~ the state underground parking garage, and the 708
warehouse owned by the board. 709

(M) The capitol annex shall be known as the senate building. 710

Sec. 107.19. The governor shall have no power to issue any 711
executive order that has previously been issued and that the 712
federal trade commission, office of policy planning, bureau of 713
economics, and bureau of competition has opined is 714
anti-competitive and is in violation of anti-trust laws. Any such 715
executive order shall be considered invalid and unenforceable. 716

Sec. 113.061. The treasurer of state shall adopt rules in 717
accordance with Chapter 119. of the Revised Code governing the 718
remittance of taxes by electronic funds transfer as required under 719
sections 5727.311, 5727.83, 5733.022, 5735.062, 5739.032, 720
~~5739.122, 5741.121,~~ 5745.04, and 5747.072 of the Revised Code and 721
any other section of the Revised Code under which a person is 722
required to remit taxes by electronic funds transfer. The rules 723
shall govern the modes of electronic funds transfer acceptable to 724
the treasurer of state and under what circumstances each mode is 725
acceptable, the content and format of electronic funds transfers, 726
the coordination of payment by electronic funds transfer and 727
filing of associated tax reports and returns, the remittance of 728

taxes by means other than electronic funds transfer by persons 729
otherwise required to do so but relieved of the requirement by the 730
treasurer of state, and any other matter that in the opinion of 731
the treasurer of state facilitates payment by electronic funds 732
transfer in a manner consistent with those sections. 733

Upon failure by a person, if so required, to remit taxes by 734
electronic funds transfer in the manner prescribed under section 735
5727.83, 5733.022, 5735.062, 5739.032, ~~5739.122, 5741.121,~~ 736
5745.04, or 5747.072 of the Revised Code and rules adopted under 737
this section, the treasurer of state shall notify the tax 738
commissioner of such failure if the treasurer of state determines 739
that such failure was not due to reasonable cause or was due to 740
willful neglect, and shall provide the tax commissioner with any 741
information used in making that determination. The tax 742
commissioner may assess an additional charge as specified in the 743
respective section of the Revised Code governing the requirement 744
to remit taxes by electronic funds transfer. 745

The treasurer of state may implement means of acknowledging, 746
upon the request of a taxpayer, receipt of tax remittances made by 747
electronic funds transfer, and may adopt rules governing 748
acknowledgments. The cost of acknowledging receipt of electronic 749
remittances shall be paid by the person requesting acknowledgment. 750

The treasurer of state, not the tax commissioner, is 751
responsible for resolving any problems involving electronic funds 752
transfer transmissions. 753

Sec. 113.40. (A) As used in this section: 754

(1) "Financial transaction device" includes a credit card, 755
debit card, charge card, prepaid or stored value card, or 756
automated clearinghouse network credit, debit, or e-check entry 757
that includes, but is not limited to, accounts receivable and 758
internet-initiated, point of purchase, and telephone-initiated 759

applications, or any other device or method for making an 760
electronic payment or transfer of funds. 761

(2) "State expenses" includes fees, costs, taxes, 762
assessments, fines, penalties, payments, or any other expense a 763
person owes to a state office under the authority of a state 764
elected official or to a state entity. 765

(3) "State elected official" means the governor, lieutenant 766
governor, attorney general, secretary of state, treasurer of 767
state, and auditor of state. 768

(4) "State entity" includes any state department, agency, 769
board, or commission that deposits funds into the state treasury. 770

(B) Notwithstanding any other section of the Revised Code and 771
subject to division (D) of this section, the board of deposit may 772
adopt a resolution authorizing the acceptance of payments by 773
financial transaction device to pay for state expenses. The 774
resolution shall include all of the following: 775

(1) A designation of those state elected officials and state 776
entities authorized to accept payments by financial transaction 777
device; 778

(2) A list of state expenses that may be paid by the use of a 779
financial transaction device; 780

(3) Specific identification of financial transaction devices 781
that a state elected official or state entity may authorize as 782
acceptable means of payment for state expenses. Division (B)(3) of 783
this section does not require that the same financial transaction 784
devices be accepted for the payment of different types of state 785
expenses. 786

(4) The amount, if any, authorized as a surcharge or 787
convenience fee under division (E) of this section for persons 788
using a financial transaction device. Division (B)(4) of this 789

section does not require that the same surcharges or convenience 790
fees be applied to the payment of different types of state 791
expenses. 792

(5) A specific requirement, as provided in division (G) of 793
this section, for the payment of a penalty if a payment made by 794
means of a financial transaction device is returned or dishonored 795
for any reason. 796

The board of deposit's resolution also shall designate the 797
treasurer of state as the administrative agent to solicit 798
proposals, within guidelines established by the board of deposit 799
in the resolution and in compliance with the procedures provided 800
in division (C) of this section, from financial institutions, 801
issuers of financial transaction devices, and processors of 802
financial transaction devices; to make recommendations about those 803
proposals to the state elected officials; and to assist state 804
offices in implementing the state's financial transaction device 805
acceptance and processing program. 806

(C) The administrative agent shall follow the procedures 807
provided in this division whenever it plans to contract with 808
financial institutions, issuers of financial transaction devices, 809
or processors of financial transaction devices for the purposes of 810
this section. The administrative agent shall request proposals 811
from at least three financial institutions, issuers of financial 812
transaction devices, or processors of financial transaction 813
devices, as appropriate in accordance with the resolution adopted 814
under division (B) of this section. Prior to sending any financial 815
institution, issuer, or processor a copy of any such request, the 816
administrative agent shall advertise its intent to request 817
proposals in a newspaper of general circulation in the state once 818
a week for two consecutive weeks. The notice shall state that the 819
administrative agent intends to request proposals; specify the 820
purpose of the request; indicate the date, which shall be at least 821

ten days after the second publication, on which the request for 822
proposals will be mailed to financial institutions, issuers, or 823
processors; and require that any financial institution, issuer, or 824
processor, whichever is appropriate, interested in receiving the 825
request for proposals submit written notice of this interest to 826
the administrative agent not later than noon of the day on which 827
the request for proposals will be mailed. 828

Upon receiving the proposals, the administrative agent shall 829
review them and make a recommendation to the board of deposit 830
regarding which proposals to accept. The board of deposit shall 831
consider the agent's recommendation and review all proposals 832
submitted, and then may choose to contract with any or all of the 833
entities submitting proposals, as appropriate. The board of 834
deposit shall provide any financial institution, issuer, or 835
processor that submitted a proposal, but with which the board does 836
not enter into a contract, notice that its proposal is rejected. 837

(D) The board of deposit shall send a copy of the resolution 838
adopted under division (B) of this section to each state elected 839
official and state entity authorized to accept payments for state 840
expenses by financial transaction device. After receiving the 841
resolution and before accepting such payments by financial 842
transaction device, such a state elected official or state entity 843
shall provide written notification to the administrative agent of 844
the official's or entity's intent to implement the resolution 845
within the official's or entity's office. Each state office or 846
entity subject to the board's resolution adopted under division 847
(B) of this section shall use only the financial institutions, 848
issuers of financial transaction devices, and processors of 849
financial transaction devices with which the board of deposit 850
contracts, and each such office or entity is subject to the terms 851
of those contracts. 852

If a state entity under the authority of a state elected 853

official is directly responsible for collecting one or more state 854
expenses and the state elected official determines not to accept 855
payments by financial transaction device for one or more of those 856
expenses, the office is not required to accept payments by 857
financial transaction device for those expenses, notwithstanding 858
the adoption of a resolution by the board of deposit under 859
division (B) of this section. 860

Any state entity that prior to March 18, 1999, accepted 861
financial transaction devices may continue to accept such devices 862
until June 30, 2000, without being subject to any resolution 863
adopted by the board of deposit under division (B) of this 864
section, or any other oversight by the board of the entity's 865
financial transaction device program. Any such entity may use 866
surcharges or convenience fees in any manner the state elected 867
official or other official in charge of the entity determines to 868
be appropriate, and, if the administrative agent consents, may 869
appoint the administrative agent to be the entity's administrative 870
agent for purposes of accepting financial transaction devices. In 871
order to be exempt from the resolution of the board of deposit 872
under division (B) of this section, a state entity shall notify 873
the board in writing within thirty days after March 18, 1999, that 874
it accepted financial transaction devices prior to March 18, 1999. 875
Each such notification shall explain how processing costs 876
associated with financial transaction devices are being paid and 877
shall indicate whether surcharge or convenience fees are being 878
passed on to consumers. 879

(E) The board of deposit may establish a surcharge or 880
convenience fee that may be imposed upon a person making payment 881
by a financial transaction device. The surcharge or convenience 882
fee shall not be imposed unless authorized or otherwise permitted 883
by the rules prescribed under a contract, between the financial 884
institution, issuer, or processor and the administrative agent, 885

governing the use and acceptance of the financial transaction 886
device. 887

The establishment of a surcharge or convenience fee shall 888
follow the guidelines of the financial institution, issuer of 889
financial transaction devices, or processor of financial 890
transaction devices with which the board of deposit contracts. 891

If a surcharge or convenience fee is imposed, every state 892
entity accepting payment by a financial transaction device, 893
regardless of whether that entity is subject to a resolution 894
adopted by the board of deposit, shall clearly post a notice in 895
the entity's office, and shall notify each person making a payment 896
by such a device, about the surcharge or fee. Notice to each 897
person making a payment shall be provided regardless of the medium 898
used to make the payment and in a manner appropriate to that 899
medium. Each notice shall include all of the following: 900

(1) A statement that there is a surcharge or convenience fee 901
for using a financial transaction device; 902

(2) The total amount of the charge or fee expressed in 903
dollars and cents for each transaction, or the rate of the charge 904
or fee expressed as a percentage of the total amount of the 905
transaction, whichever is applicable; 906

(3) A clear statement that the surcharge or convenience fee 907
is nonrefundable. 908

(F) If a person elects to make a payment by a financial 909
transaction device and a surcharge or convenience fee is imposed, 910
the payment of the surcharge or convenience fee is not refundable. 911

(G) If a person makes payment by a financial transaction 912
device and the payment is returned or dishonored for any reason, 913
the person is liable to the state for the state expense and any 914
reimbursable costs for collection, including banking charges, 915
legal fees, or other expenses incurred by the state in collecting 916

the returned or dishonored payment. The remedies and procedures 917
provided in this section are in addition to any other available 918
civil or criminal remedies provided by law. 919

(H) No person making any payment by a financial transaction 920
device to a state office shall be relieved from liability for the 921
underlying obligation, except to the extent that the state 922
realizes final payment of the underlying obligation in cash or its 923
equivalent. If final payment is not made by the financial 924
transaction device issuer or other guarantor of payment in the 925
transaction, the underlying obligation survives and the state 926
shall retain all remedies for enforcement that would have applied 927
if the transaction had not occurred. 928

(I) A state entity or employee who accepts a financial 929
transaction device payment in accordance with this section and any 930
applicable state or local policies or rules is immune from 931
personal liability for the final collection of such payments as 932
specified in section 9.87 of the Revised Code. 933

(J) The administrative agent, in cooperation with the office 934
of budget and management, may adopt, amend, and rescind rules in 935
accordance with section 111.15 of the Revised Code to implement 936
this section. 937

Sec. 117.13. (A) The costs of audits of state agencies shall 938
be recovered by the auditor of state in the following manner: 939

(1) The costs of all audits of state agencies shall be paid 940
to the auditor of state on statements rendered by the auditor of 941
state. Money so received by the auditor of state shall be paid 942
into the state treasury to the credit of the public audit expense 943
fund--intrastate, which is hereby created, and shall be used to 944
pay costs related to such audits. The costs of all annual and 945
special audits of a state agency shall be charged to the state 946
agency being audited. The costs of all biennial audits of a state 947

agency shall be paid from money appropriated to the department of 948
administrative services for that purpose. The costs of any 949
assistant auditor, employee, or expert employed pursuant to 950
section 117.09 of the Revised Code called upon to testify in any 951
legal proceedings in regard to any audit, or called upon to review 952
or discuss any matter related to any audit, may be charged to the 953
state agency to which the audit relates. 954

(2) The auditor of state shall establish by rule rates to be 955
charged to state agencies or to the department of administrative 956
services for recovering the costs of audits of state agencies. 957

(B) As used in this division, "government auditing standards" 958
means the government auditing standards published by the 959
comptroller general of the United States general accounting 960
office. 961

(1) Except as provided in divisions (B)(2) and (3) of this 962
section, any costs of an audit of a private institution, 963
association, board, or corporation receiving public money for its 964
use shall be charged to the public office providing the public 965
money in the same manner as costs of an audit of the public 966
office. 967

(2) If an audit of a private child placing agency or private 968
noncustodial agency receiving public money from a public children 969
services agency for providing child welfare or child protection 970
services sets forth that money has been illegally expended, 971
converted, misappropriated, or is unaccounted for, the costs of 972
the audit shall be charged to the agency being audited in the same 973
manner as costs of an audit of a public office, unless the 974
findings are inconsequential, as defined by government auditing 975
standards. 976

(3) If such an audit does not set forth that money has been 977
illegally expended, converted, misappropriated, or is unaccounted 978

for or sets forth findings that are inconsequential, as defined by 979
government auditing standards, the costs of the audit shall be 980
charged as follows: 981

(a) One-third of the costs to the agency being audited; 982

(b) One-third of the costs to the public children services 983
agency that provided the public money to the agency being audited; 984

(c) One-third of the costs to the department of job and 985
family services. 986

(C) The costs of audits of local public offices shall be 987
recovered by the auditor of state in the following manner: 988

(1) The total amount of compensation paid assistant auditors 989
of state, their expenses, the cost of employees assigned to assist 990
the assistant auditors of state, the cost of experts employed 991
pursuant to section 117.09 of the Revised Code, and the cost of 992
typing, reviewing, and copying reports shall be borne by the 993
public office to which such assistant auditors of state are so 994
assigned, except that annual vacation and sick leave of assistant 995
auditors of state, employees, and typists shall be financed from 996
the general revenue fund. The necessary traveling and hotel 997
expenses of the deputy inspectors and supervisors of public 998
offices shall be paid from the state treasury. Assistant auditors 999
of state shall be compensated by the taxing district or other 1000
public office audited for activities undertaken pursuant to 1001
division (B) of section 117.18 and section 117.24 of the Revised 1002
Code. The costs of any assistant auditor, employee, or expert 1003
employed pursuant to section 117.09 of the Revised Code called 1004
upon to testify in any legal proceedings in regard to any audit, 1005
or called upon to review or discuss any matter related to any 1006
audit, may be charged to the public office to which the audit 1007
relates. 1008

(2) The auditor of state shall certify the amount of such 1009

compensation, expenses, cost of experts, reviewing, copying, and 1010
typing to the fiscal officer of the local public office audited. 1011
The fiscal officer of the local public office shall forthwith draw 1012
a warrant upon the general fund or other appropriate funds of the 1013
local public office to the order of the auditor of state; 1014
provided, that the auditor of state is authorized to negotiate 1015
with any local public office and, upon agreement between the 1016
auditor of state and the local public office, may adopt a schedule 1017
for payment of the amount due under this section. Money so 1018
received by the auditor of state shall be paid into the state 1019
treasury to the credit of the public audit expense fund--local 1020
government, which is hereby created, and shall be used to pay the 1021
compensation, expense, cost of experts and employees, reviewing, 1022
copying, and typing of reports. 1023

(3) At the conclusion of each audit, or analysis and report 1024
made pursuant to section 117.24 of the Revised Code, the auditor 1025
of state shall furnish the fiscal officer of the local public 1026
office audited a statement showing the total cost of the audit, or 1027
of the audit and the analysis and report, and the percentage of 1028
the total cost chargeable to each fund audited. The fiscal officer 1029
may distribute such total cost to each fund audited in accordance 1030
with its percentage of the total cost. 1031

(4) The auditor of state shall provide each local public 1032
office a statement or certification of the amount due from the 1033
public office for services performed by the auditor of state under 1034
this or any other section of the Revised Code, as well as the date 1035
upon which payment is due to the auditor of state. Any local 1036
public office that does not pay the amount due to the auditor of 1037
state by that date may be assessed by the auditor of state for 1038
interest from the date upon which the payment is due at the rate 1039
per annum prescribed by section 5703.47 of the Revised Code. All 1040
interest charges assessed by the auditor of state may be collected 1041

in the same manner as audit costs pursuant to division (D) of this section. 1042
1043

(D) If the auditor of state fails to receive payment for any amount due, including, but not limited to, fines, fees, and costs, from a public office for services performed under this or any other section of the Revised Code, the auditor of state may seek payment through the office of budget and management. (Amounts due include any amount due to an independent public accountant with whom the auditor has contracted to perform services, all costs and fees associated with participation in the uniform accounting network, and all costs associated with the auditor's provision of local government services.) Upon certification by the auditor of state to the director of budget and management of any such amount due, the director shall withhold from the public office any amount available, up to and including the amount certified as due, from any funds under the director's control that belong to or are lawfully payable or due to the public office. The director shall promptly pay the amount withheld to the auditor of state. If the director determines that no funds due and payable to the public office are available or that insufficient amounts of such funds are available to cover the amount due, the director shall withhold and pay to the auditor of state the amounts available and, in the case of a local public office, certify the remaining amount to the county auditor of the county in which the local public office is located. The county auditor shall withhold from the local public office any amount available, up to and including the amount certified as due, from any funds under the county auditor's control and belonging to or lawfully payable or due to the local public office. The county auditor shall promptly pay any such amount withheld to the auditor of state. 1044
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Sec. 117.38. Each public office, other than a state agency, shall file a financial report for each fiscal year. The auditor of 1072
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state may prescribe forms by rule or may issue guidelines, or 1074
both, for such reports. If the auditor of state has not prescribed 1075
a rule regarding the form for the report, the public office shall 1076
submit its report on the form utilized by the public office. 1077

The report shall be certified by the proper officer or board 1078
and filed with the auditor of state within sixty days after the 1079
close of the fiscal year, except that public offices reporting 1080
pursuant to generally accepted accounting principles shall file 1081
their reports within one hundred fifty days after the close of the 1082
fiscal year. The auditor of state may extend the deadline for 1083
filing a financial report and establish terms and conditions for 1084
any such extension. At the time the report is filed with the 1085
auditor of state, the chief fiscal officer, except as otherwise 1086
provided in section 319.11 of the Revised Code, shall publish 1087
notice in a newspaper published in the political subdivision or 1088
taxing district, and if there is no such newspaper, then in a 1089
newspaper of general circulation in the political subdivision or 1090
taxing district. The notice shall state that the financial report 1091
has been completed by the public office and is available for 1092
public inspection at the office of the chief fiscal officer. 1093

The report shall contain the following: 1094

(A) Amount of collections and receipts, and accounts due from 1095
each source; 1096

(B) Amount of expenditures for each purpose; 1097

(C) Income of each public service industry owned or operated 1098
by a municipal corporation, and the cost of such ownership or 1099
operation; 1100

(D) Amount of public debt of each taxing district, the 1101
purpose for which each item of such debt was created, and the 1102
provision made for the payment thereof. The substance of the 1103
report shall be published at the expense of the state in an annual 1104

volume of statistics, which shall be submitted to the governor. 1105
The auditor of state shall transmit the report to the general 1106
assembly at its next session. 1107

Any public office, other than a state agency, that does not 1108
file its financial report at the time required by this section 1109
shall pay to the auditor of state twenty-five dollars for each day 1110
the report remains unfiled after the filing date; provided, that 1111
the penalty payments shall not exceed the sum of seven hundred 1112
fifty dollars. The auditor of state may waive all or any part of 1113
the penalty assessed under this section upon the filing of the 1114
past due financial report. All sums collected from such penalties 1115
shall be placed in the public audit expense fund--local 1116
government. ~~The~~ If the auditor of state may deduct fails to 1117
receive payment for penalties not paid within one year from the 1118
required filing date ~~from any funds under the auditor of state's~~ 1119
~~control belonging to the public office. If funds are withheld from~~ 1120
~~a county because of the failure of a taxing district located in~~ 1121
~~whole or in part within the county to file, the county may deduct~~ 1122
~~the amount of penalty from any revenues due the delinquent~~ 1123
~~district, the auditor may recover the penalties through the~~ 1124
process in division (D) of section 117.13 of the Revised Code. 1125

Every county agency, board, or commission shall provide to 1126
the county auditor, not later than the first day of March each 1127
year unless a later date is authorized by the county auditor, all 1128
information determined by the county auditor to be necessary for 1129
the preparation of the report required by this section. 1130

Sec. 120.08. There is hereby created in the state treasury 1131
the indigent defense support fund, consisting of money paid into 1132
the fund pursuant to section 4511.19 of the Revised Code and 1133
pursuant to section 2949.094 of the Revised Code out of the 1134
additional court costs imposed under that section. The state 1135

public defender shall use the money in the fund for the purpose of 1136
reimbursing county governments for expenses incurred pursuant to 1137
sections 120.18, 120.28, and 120.33 of the Revised Code. 1138
Disbursements from the fund to county governments shall be made in 1139
each state fiscal year and shall be allocated proportionately so 1140
that each county receives an equal percentage of its total cost 1141
for operating its county public defender system, its joint county 1142
public defender system, or its county appointed counsel system. 1143
1144

Sec. 121.31. There is hereby created the commission on 1145
Hispanic-Latino affairs consisting of eleven voting members 1146
appointed by the governor with the advice and consent of the 1147
senate and two ex officio, nonvoting members who are members of 1148
the general assembly. The speaker of the house of representatives 1149
shall recommend to the governor two persons for appointment to the 1150
commission, the president of the senate shall recommend to the 1151
governor two such persons, and the minority leaders of the house 1152
and senate shall each recommend to the governor one such person. 1153
The governor shall make initial appointments to the commission. Of 1154
the initial appointments made to the commission, three shall be 1155
for a term ending October 7, 1978, four shall be for a term ending 1156
October 7, 1979, and four shall be for a term ending October 7, 1157
1980. ~~Thereafter~~ One ex officio member of the commission shall be 1158
a member of the house of representatives appointed by the speaker 1159
of the house of representatives and one ex officio member of the 1160
commission shall be a member of the senate appointed by the 1161
president of the senate. When making their initial appointments, 1162
the speaker shall appoint a member of the house of representatives 1163
who is affiliated with the minority political party in the house 1164
of representatives and the president shall appoint a member of the 1165
senate who is affiliated with the majority political party in the 1166

senate; in making subsequent appointments the speaker and the 1167
president each shall alternate the political party affiliation of 1168
the members they appoint to the commission. The speaker and 1169
president shall make their initial appointments so that the 1170
initial ex officio members begin their terms October 7, 2008. 1171

After the initial appointments by the governor, terms of 1172
office shall be for three years, ~~each~~ except that members of the 1173
general assembly appointed to the commission shall be members of 1174
the commission only so long as they are members of the general 1175
assembly. Each term ending shall end on the same day of the same 1176
month of the year as did the term which it succeeds. Each member 1177
shall hold office from the date of appointment until the end of 1178
the term for which the member was appointed. Vacancies shall be 1179
filled in the same manner as the original appointment. Any member 1180
appointed to fill a vacancy occurring prior to the expiration of 1181
the term for which the member's predecessor was appointed shall 1182
hold office for the remainder of such term. Any member shall 1183
continue in office subsequent to the expiration date of the 1184
member's term until the member's successor takes office, or until 1185
a period of sixty days has elapsed, whichever occurs first. At the 1186
first organizational meeting of the commission, the original 1187
eleven members shall draw lots to determine the length of the term 1188
each member shall serve. 1189

All voting members of the commission shall speak Spanish, 1190
shall be of Spanish-speaking origin, and shall be American 1191
citizens or lawful, permanent, resident aliens. ~~Members~~ Voting 1192
members shall be from urban, suburban, and rural geographical 1193
areas representative of Spanish-speaking people with a numerical 1194
and geographical balance of the Spanish-speaking population 1195
throughout the state. 1196

The commission shall meet not less than six times per 1197
calendar year. The commission shall elect a chairperson, 1198

vice-chairperson, and other officers from its voting members as it 1199
considers advisable. Six voting members constitute a quorum. The 1200
commission shall adopt rules governing its procedures. No action 1201
of the commission is valid without the concurrence of six members. 1202

Each voting member shall be compensated for work as a member 1203
for each day that the member is actually engaged in the 1204
performance of work as a member. No voting member shall be 1205
compensated for more than one day each month. In addition, each 1206
voting member shall be reimbursed for all actual and necessary 1207
expenses incurred in the performance of official business. 1208

Sec. 122.171. (A) As used in this section: 1209

(1) "Capital investment project" means a plan of investment 1210
at a project site for the acquisition, construction, renovation, 1211
or repair of buildings, machinery, or equipment, or for 1212
capitalized costs of basic research and new product development 1213
determined in accordance with generally accepted accounting 1214
principles, but does not include any of the following: 1215

(a) Payments made for the acquisition of personal property 1216
through operating leases; 1217

(b) Project costs paid before January 1, 2002; 1218

(c) Payments made to a related member as defined in section 1219
5733.042 of the Revised Code or to an elected consolidated 1220
taxpayer or a combined taxpayer as defined in section 5751.01 of 1221
the Revised Code. 1222

(2) "Eligible business" means a business with Ohio operations 1223
satisfying all of the following: 1224

(a) Employed an average of at least one thousand employees in 1225
full-time employment positions at a project site during each of 1226
the twelve months preceding the application for a tax credit under 1227
this section; and 1228

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

(i) At least two 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;

(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 1260
application under this section and for at least one hundred eighty 1261
days during each taxable year or each calendar year that includes 1262
a tax period with respect to which the credit is granted, or is 1263
employed in such position for consideration for such time, but is 1264
on active duty reserve or Ohio national guard service. 1265

(4) "Manufacturer" has the same meaning as in section 1266
5739.011 of the Revised Code. 1267

(5) "Project site" means an integrated complex of facilities 1268
in this state, as specified by the tax credit authority under this 1269
section, within a fifteen-mile radius where a taxpayer is 1270
primarily operating as an eligible business. 1271

(6) "Applicable corporation" means a corporation satisfying 1272
all of the following: 1273

(a)(i) For the entire taxable year immediately preceding the 1274
tax year, the corporation develops software applications primarily 1275
to provide telecommunication billing and information services 1276
through outsourcing or licensing to domestic or international 1277
customers. 1278

(ii) Sales and licensing of software generated at least six 1279
hundred million dollars in revenue during the taxable year 1280
immediately preceding the tax year the corporation is first 1281
entitled to claim the credit provided under division (B) of this 1282
section. 1283

(b) For the entire taxable year immediately preceding the tax 1284
year, the corporation or one or more of its related members 1285
provides customer or employee care and technical support for 1286
clients through one or more contact centers within this state, and 1287
the corporation and its related members together have a daily 1288
average, based on a three-hundred-sixty-five-day year, of at least 1289
five hundred thousand successful customer contacts through one or 1290

more of their contact centers, wherever located.	1291
(c) The corporation is eligible for the credit under division (B) of this section for the tax year.	1292 1293
(7) "Related member" has the same meaning as in section 5733.042 of the Revised Code as that section existed on the effective date of its amendment by Am. Sub. H.B. 215 of the 122nd general assembly, September 29, 1997.	1294 1295 1296 1297
(8) "Successful customer contact" means a contact with an end user via telephone, including interactive voice recognition or similar means, where the contact culminates in a conversation or connection other than a busy signal or equipment busy.	1298 1299 1300 1301
(9) "Telecommunications" means all forms of telecommunications service as defined in section 5739.01 of the Revised Code, and includes services in wireless, wireline, cable, broadband, internet protocol, and satellite.	1302 1303 1304 1305
(10)(a) "Applicable difference" means the difference between the tax for the tax year under Chapter 5733. of the Revised Code applying the law in effect for that tax year, and the tax for that tax year if section 5733.042 of the Revised Code applied as that section existed on the effective date of its amendment by Am. Sub. H.B. 215 of the 122nd general assembly, September 29, 1997, subject to division (A)(10)(b) of this section.	1306 1307 1308 1309 1310 1311 1312
(b) If the tax rate set forth in division (B) of section 5733.06 of the Revised Code for the tax year is less than eight and one-half per cent, the tax calculated under division (A)(10)(a) of this section shall be computed by substituting a tax rate of eight and one-half per cent for the rate set forth in division (B) of section 5733.06 of the Revised Code for the tax year.	1313 1314 1315 1316 1317 1318 1319
(c) If the resulting difference is negative, the applicable tax difference for the tax year shall be zero.	1320 1321

(B) The tax credit authority created under section 122.17 of 1322
the Revised Code may grant tax credits under this section for the 1323
purpose of fostering job retention in this state. Upon application 1324
by an eligible business and upon consideration of the 1325
recommendation of the director of budget and management, tax 1326
commissioner, and director of development under division (C) of 1327
this section, the tax credit authority may grant to an eligible 1328
business a nonrefundable credit against the tax imposed by section 1329
5733.06 or 5747.02 of the Revised Code for a period up to fifteen 1330
taxable years and against the tax levied by Chapter 5751. of the 1331
Revised Code for a period of up to fifteen calendar years 1332
provided, however, that if the project site is leased, the term of 1333
the tax credit cannot exceed the lesser of fifteen years or 1334
one-half the term of the lease, including any permitted renewal 1335
periods. The credit shall be in an amount not exceeding 1336
seventy-five per cent of the Ohio income tax withheld from the 1337
employees of the eligible business occupying full-time employment 1338
positions at the project site during the calendar year that 1339
includes the last day of such business' taxable year or tax period 1340
with respect to which the credit is granted. The amount of the 1341
credit shall not be based on the Ohio income tax withheld from 1342
full-time employees for a calendar year prior to the calendar year 1343
in which the minimum investment requirement referred to in 1344
division (A)(2)(b) of this section is completed. The credit shall 1345
be claimed only for the taxable years or tax periods specified in 1346
the eligible business' agreement with the tax credit authority 1347
under division (E) of this section, but in no event shall the 1348
credit be claimed for a taxable year or tax period terminating 1349
before the date specified in the agreement. Any credit granted 1350
under this section against the tax imposed by section 5733.06 or 1351
5747.02 of the Revised Code, to the extent not fully utilized 1352
against such tax for taxable years ending prior to 2008, shall 1353
automatically be converted without any action taken by the tax 1354

credit authority to a credit against the tax levied under Chapter 1355
5751. of the Revised Code for tax periods beginning on or after 1356
July 1, 2008, provided that the person to whom the credit was 1357
granted is subject to such tax. The converted credit shall apply 1358
to those calendar years in which the remaining taxable years 1359
specified in the agreement end. 1360

The credit computed under this division is in addition to any 1361
credit allowed under division (M) of this section, which the tax 1362
credit authority may also include in the agreement. 1363

Any unused portion of a tax credit may be carried forward for 1364
not more than three additional years after the year for which the 1365
credit is granted. 1366

(C) A taxpayer that proposes a capital investment project to 1367
retain jobs in this state may apply to the tax credit authority to 1368
enter into an agreement for a tax credit under this section. The 1369
director of development shall prescribe the form of the 1370
application. After receipt of an application, the authority shall 1371
forward copies of the application to the director of budget and 1372
management, the tax commissioner, and the director of development, 1373
each of whom shall review the application to determine the 1374
economic impact the proposed project would have on the state and 1375
the affected political subdivisions and shall submit a summary of 1376
their determinations and recommendations to the authority. 1377

(D) Upon review of the determinations and recommendations 1378
described in division (C) of this section, the tax credit 1379
authority may enter into an agreement with the taxpayer for a 1380
credit under this section if the authority determines all of the 1381
following: 1382

(1) The taxpayer's capital investment project will result in 1383
the retention of full-time employment positions in this state. 1384

(2) The taxpayer is economically sound and has the ability to 1385

complete the proposed capital investment project. 1386

(3) The taxpayer intends to and has the ability to maintain 1387
operations at the project site for at least ~~twice~~ the greater of 1388
(a) the term of the credit plus three years, or (b) seven years. 1389

(4) Receiving the credit is a major factor in the taxpayer's 1390
decision to begin, continue with, or complete the project. 1391

(5) The political subdivisions in which the project is 1392
located have agreed to provide substantial financial support to 1393
the project. 1394

(E) An agreement under this section shall include all of the 1395
following: 1396

(1) A detailed description of the project that is the subject 1397
of the agreement, including the amount of the investment, the 1398
period over which the investment has been or is being made, and 1399
the number of full-time employment positions at the project site. 1400

(2) The method of calculating the number of full-time 1401
employment positions as specified in division (A)(3) of this 1402
section. 1403

(3) The term and percentage of the tax credit, and the first 1404
year for which the credit may be claimed. 1405

(4) A requirement that the taxpayer maintain operations at 1406
the project site for at least ~~twice the number of years as~~ greater 1407
of (a) the term of the credit plus three years, or (b) seven 1408
years. 1409

(5) A requirement that the taxpayer retain a specified number 1410
of full-time employment positions at the project site and within 1411
this state for the term of the credit, including a requirement 1412
that the taxpayer continue to employ at least one thousand 1413
employees in full-time employment positions at the project site 1414
during the entire term of any agreement, subject to division 1415

(E)(7) of this section. 1416

(6) A requirement that the taxpayer annually report to the 1417
director of development the number of full-time employment 1418
positions subject to the credit, the amount of tax withheld from 1419
employees in those positions, the amount of the payments made for 1420
the capital investment project, and any other information the 1421
director needs to perform the director's duties under this 1422
section. 1423

(7) A requirement that the director of development annually 1424
review the annual reports of the taxpayer to verify the 1425
information reported under division (E)(6) of this section and 1426
compliance with the agreement. Upon verification, the director 1427
shall issue a certificate to the taxpayer stating that the 1428
information has been verified and identifying the amount of the 1429
credit for the taxable year. Unless otherwise specified by the tax 1430
credit authority in a resolution and included as part of the 1431
agreement, the director shall not issue a certificate for any year 1432
in which the total number of filled full-time employment positions 1433
for each day of the calendar year divided by three hundred 1434
sixty-five is less than ninety per cent of the full-time 1435
employment positions specified in division (E)(5) of this section. 1436
In determining the number of full-time employment positions, no 1437
position shall be counted that is filled by an employee who is 1438
included in the calculation of a tax credit under section 122.17 1439
of the Revised Code. 1440

(8)(a) A provision requiring that the taxpayer, except as 1441
otherwise provided in division (E)(8)(b) of this section, shall 1442
not relocate employment positions from elsewhere in this state to 1443
the project site that is the subject of the agreement for the 1444
lesser of five years from the date the agreement is entered into 1445
or the number of years the taxpayer is entitled to claim the 1446
credit. 1447

(b) The taxpayer may relocate employment positions from 1448
elsewhere in this state to the project site that is the subject of 1449
the agreement if the director of development determines both of 1450
the following: 1451

(i) That the site from which the employment positions would 1452
be relocated is inadequate to meet market and industry conditions, 1453
expansion plans, consolidation plans, or other business 1454
considerations affecting the taxpayer; 1455

(ii) That the legislative authority of the county, township, 1456
or municipal corporation from which the employment positions would 1457
be relocated has been notified of the relocation. 1458

For purposes of this section, the movement of an employment 1459
position from one political subdivision to another political 1460
subdivision shall be considered a relocation of an employment 1461
position unless the movement is confined to the project site. The 1462
transfer of an individual employee from one political subdivision 1463
to another political subdivision shall not be considered a 1464
relocation of an employment position as long as the individual's 1465
employment position in the first political subdivision is 1466
refilled. 1467

(9) A waiver by the taxpayer of any limitations periods 1468
relating to assessments or adjustments resulting from the 1469
taxpayer's failure to comply with the agreement. 1470

(F) If a taxpayer fails to meet or comply with any condition 1471
or requirement set forth in a tax credit agreement, the tax credit 1472
authority may amend the agreement to reduce the percentage or term 1473
of the credit. The reduction of the percentage or term shall take 1474
effect (1) in the taxable year immediately following the taxable 1475
year in which the authority amends the agreement or the director 1476
of development notifies the taxpayer in writing of such failure, 1477
or (2) in the first tax period beginning in the calendar year 1478

immediately following the calendar year in which the authority 1479
amends the agreement or the director notifies the taxpayer in 1480
writing of such failure. If the taxpayer fails to annually report 1481
any of the information required by division (E)(6) of this section 1482
within the time required by the director, the reduction of the 1483
percentage or term may take effect in the current taxable year. If 1484
the taxpayer relocates employment positions in violation of the 1485
provision required under division ~~(D)(8)(a)~~(E)(8)(a) of this 1486
section, the taxpayer shall not claim the tax credit under section 1487
5733.0610 of the Revised Code for any tax years following the 1488
calendar year in which the relocation occurs, shall not claim the 1489
tax credit under section 5747.058 of the Revised Code for the 1490
taxable year in which the relocation occurs and any subsequent 1491
taxable years, and shall not claim the tax credit under division 1492
(A) of section 5751.50 of the Revised Code for the tax period in 1493
which the relocation occurs and any subsequent tax periods. 1494

1495
(G) Financial statements and other information submitted to 1496
the department of development or the tax credit authority by an 1497
applicant for or recipient of a tax credit under this section, and 1498
any information taken for any purpose from such statements or 1499
information, are not public records subject to section 149.43 of 1500
the Revised Code. However, the chairperson of the authority may 1501
make use of the statements and other information for purposes of 1502
issuing public reports or in connection with court proceedings 1503
concerning tax credit agreements under this section. Upon the 1504
request of the tax commissioner, the chairperson of the authority 1505
shall provide to the commissioner any statement or other 1506
information submitted by an applicant for or recipient of a tax 1507
credit in connection with the credit. The commissioner shall 1508
preserve the confidentiality of the statement or other 1509
information. 1510

(H) A taxpayer claiming a tax credit under this section shall 1511
submit to the tax commissioner a copy of the director of 1512
development's certificate of verification under division (E)(7) of 1513
this section with the taxpayer's tax report or return for the 1514
taxable year or for the calendar year that includes the tax 1515
period. Failure to submit a copy of the certificate with the 1516
report or return does not invalidate a claim for a credit if the 1517
taxpayer submits a copy of the certificate to the commissioner 1518
within sixty days after the commissioner requests it. 1519

(I) For the purposes of this section, a taxpayer may include 1520
a partnership, a corporation that has made an election under 1521
subchapter S of chapter one of subtitle A of the Internal Revenue 1522
Code, or any other business entity through which income flows as a 1523
distributive share to its owners. A partnership, S-corporation, or 1524
other such business entity may elect to pass the credit received 1525
under this section through to the persons to whom the income or 1526
profit of the partnership, S-corporation, or other entity is 1527
distributed. The election shall be made on the annual report 1528
required under division (E)(6) of this section. The election 1529
applies to and is irrevocable for the credit for which the report 1530
is submitted. If the election is made, the credit shall be 1531
apportioned among those persons in the same proportions as those 1532
in which the income or profit is distributed. 1533

(J) If the director of development determines that a taxpayer 1534
that received a tax credit under this section is not complying 1535
with the requirement under division (E)(4) of this section, the 1536
director shall notify the tax credit authority of the 1537
noncompliance. After receiving such a notice, and after giving the 1538
taxpayer an opportunity to explain the noncompliance, the 1539
authority may terminate the agreement and require the taxpayer to 1540
refund to the state all or a portion of the credit claimed in 1541
previous years, as follows: 1542

(1) If the taxpayer maintained operations at the project site 1543
for less than the term of the credit, the amount required to be 1544
refunded shall not exceed the amount of any tax credits previously 1545
allowed and received under this section. 1546

(2) If the taxpayer maintained operations at the project site 1547
longer than the term of the credit, but less than ~~one and one-half~~ 1548
~~times the greater of (a) the term of the credit plus three years,~~ 1549
or (b) seven years, the amount required to be refunded shall not 1550
exceed fifty per cent of the sum of any tax credits previously 1551
allowed and received under this section. 1552

~~(3) If the taxpayer maintained operations at the project site 1553
for at least one and one-half times the term of the credit but 1554
less than twice the term of the credit, the amount required to be 1555
refunded shall not exceed twenty five per cent of the sum of any 1556
tax credits previously allowed and received under this section. 1557~~

In determining the portion of the credit to be refunded to 1558
this state, the authority shall consider the effect of market 1559
conditions on the taxpayer's project and whether the taxpayer 1560
continues to maintain other operations in this state. After making 1561
the determination, the authority shall certify the amount to be 1562
refunded to the tax commissioner. The commissioner shall make an 1563
assessment for that amount against the taxpayer under Chapter 1564
5733., 5747., or 5751. of the Revised Code. The time limitations 1565
on assessments under those chapters do not apply to an assessment 1566
under this division, but the commissioner shall make the 1567
assessment within one year after the date the authority certifies 1568
to the commissioner the amount to be refunded. 1569

If the director of development determines that a taxpayer 1570
that received a tax credit under this section has reduced the 1571
number of employees agreed to under division (E)(5) of this 1572
section by more than ten per cent, the director shall notify the 1573
tax credit authority of the noncompliance. After receiving such 1574

notice, and after providing the taxpayer an opportunity to explain 1575
the noncompliance, the authority may amend the agreement to reduce 1576
the percentage or term of the tax credit. The reduction in the 1577
percentage or term shall take effect in the taxable year, or in 1578
the calendar year that includes the tax period, in which the 1579
authority amends the agreement. 1580

(K) The director of development, after consultation with the 1581
tax commissioner and in accordance with Chapter 119. of the 1582
Revised Code, shall adopt rules necessary to implement this 1583
section. The rules may provide for recipients of tax credits under 1584
this section to be charged fees to cover administrative costs of 1585
the tax credit program. The fees collected shall be credited to 1586
the tax incentive programs operating fund created in section 1587
122.174 of the Revised Code. At the time the director gives public 1588
notice under division (A) of section 119.03 of the Revised Code of 1589
the adoption of the rules, the director shall submit copies of the 1590
proposed rules to the chairpersons of the standing committees on 1591
economic development in the senate and the house of 1592
representatives. 1593

(L) On or before the thirty-first day of March of each year, 1594
the director of development shall submit a report to the governor, 1595
the president of the senate, and the speaker of the house of 1596
representatives on the tax credit program under this section. The 1597
report shall include information on the number of agreements that 1598
were entered into under this section during the preceding calendar 1599
year, a description of the project that is the subject of each 1600
such agreement, and an update on the status of projects under 1601
agreements entered into before the preceding calendar year. 1602

(M)(1) A nonrefundable credit shall be allowed to an 1603
applicable corporation and its related members in an amount equal 1604
to the applicable difference. The credit is in addition to the 1605
credit granted to the corporation or related members under 1606

division (B) of this section. The credit is subject to divisions 1607
(B) to (E) and division (J) of this section. 1608

(2) A person qualifying as an applicable corporation under 1609
this section for a tax year does not necessarily qualify as an 1610
applicable corporation for any other tax year. No person is 1611
entitled to the credit allowed under division (M) of this section 1612
for the tax year immediately following the taxable year during 1613
which the person fails to meet the requirements in divisions 1614
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 1615
to the credit allowed under division (M) of this section for any 1616
tax year for which the person is not eligible for the credit 1617
provided under division (B) of this section. 1618

Sec. 125.02. Except as to the adjutant general for military 1619
supplies and services, the capital square review and advisory 1620
board, ~~the department of rehabilitation and correction as~~ 1621
~~specified in division (D) of section 125.04 of the Revised Code,~~ 1622
the general assembly, ~~the bureau of workers' compensation~~ the 1623
judicial branch, and institutions administered by boards of 1624
trustees, the department of administrative services may ~~purchase~~ 1625
establish contracts for supplies and services for the use of state 1626
agencies, or for the use of any political subdivision as described 1627
in division (B) of section 125.04 of the Revised Code. 1628

~~So far as possible, the department of administrative services~~ 1629
~~shall make all purchases from the department of rehabilitation and~~ 1630
~~correction in the exercise of the functions of the department of~~ 1631
~~rehabilitation and correction in the management of state~~ 1632
~~institutions.~~ 1633

The department of administrative services shall prescribe 1634
uniform rules governing forms of specifications, advertisements 1635
for proposals, the opening of bids, the making of awards and 1636
contracts, and the purchase of supplies and performance of work. 1637

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

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

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

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

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

(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 1669
accordance with sections 125.01 to 125.11 of the Revised Code and 1670
in a nondiscriminatory manner that does not place any potential 1671
vendor at a competitive disadvantage. 1672

(3) If the ~~office~~ department decides to exercise either 1673
option under division (B)(2) of this section, it shall adopt, and 1674
may amend, rules under Chapter 119. of the Revised Code to 1675
implement that division. 1676

Sec. 125.022. The department of administrative services may 1677
enter into cooperative purchasing agreements with one or more 1678
other states ~~or~~, groups of states, the federal government, other 1679
purchasing consortia, institutions of higher education, or with 1680
any political subdivision of this state described in division (B) 1681
of section 125.04 of the Revised Code for the purpose of 1682
purchasing services or supplies ~~produced from or containing~~ 1683
~~recycled materials for the use of state agencies.~~ 1684

Sec. 125.04. (A) Except as provided in division (D) of this 1685
section, the department of administrative services shall determine 1686
what supplies and services are purchased by or for state agencies. 1687
Whenever the department of administrative services makes any 1688
change or addition to the lists of supplies and services that it 1689
determines to purchase for state agencies, it shall provide a list 1690
to the agencies of the changes or additions ~~and indicate when the~~ 1691
~~department will be prepared to furnish each item listed.~~ Except 1692
for the requirements of division (B) of section 125.11 of the 1693
Revised Code, sections 125.04 to 125.08 and 125.09 to 125.15 of 1694
the Revised Code do not apply to or affect the educational 1695
institutions of the state. ~~The department shall not include the~~ 1696
~~bureau of workers' compensation in the lists of supplies,~~ 1697
~~equipment, and services purchased and furnished by the department.~~ 1698
1699

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

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

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

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

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

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

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

A political subdivision desiring to participate in such

purchase contracts shall file with the department a certified copy 1731
of an ordinance or resolution of the legislative authority or 1732
governing board of the political subdivision. The resolution or 1733
ordinance shall request that the political subdivision be 1734
authorized to participate in such contracts and shall agree that 1735
the political subdivision will be bound by such terms and 1736
conditions as the department prescribes and that it will directly 1737
pay the vendor under each purchase contract. A board of elections 1738
desiring to participate in such purchase contracts shall file with 1739
the purchasing authority a written request for inclusion in the 1740
program. A private fire company ~~or~~, private, nonprofit emergency 1741
medical service organization, or chartered nonpublic school 1742
desiring to participate in such purchase contracts shall file with 1743
the department a written request for inclusion in the program 1744
signed by the chief officer of the company ~~or~~, organization, or 1745
chartered nonpublic school. A request for inclusion shall include 1746
an agreement to be bound by such terms and conditions as the 1747
department prescribes and to make direct payments to the vendor 1748
under each purchase contract. 1749

The department shall include in its annual report an estimate 1750
of the cost it incurs by permitting political subdivisions, county 1751
boards of elections, private fire companies, ~~and~~ private, 1752
nonprofit emergency medical service organizations, and chartered 1753
nonpublic schools to participate in contracts pursuant to this 1754
division. The department may require such entities to file a 1755
report with the department, as often as it finds necessary, 1756
stating how many such contracts the entities participated in 1757
within a specified period of time, and any other information the 1758
department requires. 1759

(3) Purchases made by a political subdivision or a county 1760
board of elections under this division are exempt from any 1761
competitive selection procedures otherwise required by law. No 1762

political subdivision shall make any purchase under this division 1763
when bids have been received for such purchase by the subdivision, 1764
unless such purchase can be made upon the same terms, conditions, 1765
and specifications at a lower price under this division. 1766

(C) A political subdivision as defined in division (B) of 1767
this section or a county board of elections may purchase supplies 1768
or services from another party, including a political subdivision, 1769
instead of through participation in contracts described in 1770
division (B) of this section if the political subdivision or 1771
county board of elections can purchase those supplies or services 1772
from the other party upon equivalent terms, conditions, and 1773
specifications but at a lower price than it can through those 1774
contracts. Purchases that a political subdivision or county board 1775
of elections makes under this division are exempt from any 1776
competitive selection procedures otherwise required by law. A 1777
political subdivision or county board of elections that makes any 1778
purchase under this division shall maintain sufficient information 1779
regarding the purchase to verify that the political subdivision or 1780
county board of elections satisfied the conditions for making a 1781
purchase under this division. Nothing in this division restricts 1782
any action taken by a county or township as authorized by division 1783
(A)(1) of section 9.48 of the Revised Code. 1784

(D) This section does not apply to supplies or services 1785
required by the legislative or judicial branches, the capitol 1786
square review and advisory board, the adjutant general for 1787
military supplies and services, to supplies or services purchased 1788
by a state agency directly as provided in division (A), (B), or 1789
~~(E)~~(F) of section 125.05 of the Revised Code, or to purchases of 1790
supplies or services for the emergency management agency as 1791
provided in section 125.023 of the Revised Code, ~~or to purchases~~ 1792
~~of supplies or services for the department of rehabilitation and~~ 1793
~~correction in its operation of the program for the employment of~~ 1794

~~prisoners established under section 5145.16 of the Revised Code 1795
that shall be made pursuant to rules adopted by the director of 1796
administrative services and the director of rehabilitation and 1797
correction in accordance with Chapter 119. of the Revised Code. 1798
The rules may provide for the exemption of the program for the 1799
employment of prisoners from the requirements of division (A) of 1800
this section. 1801~~

Sec. 125.041. Nothing in sections 125.02, 125.03 to 125.08, 1802
125.12 to 125.16, 125.18, 125.31 to 125.76, or 125.831 of the 1803
Revised Code shall be construed as limiting the attorney general, 1804
auditor of state, secretary of state, or treasurer of state in any 1805
of the following: 1806

(A) Purchases for less than the dollar amounts for the 1807
purchase of supplies or services determined pursuant to division 1808
~~(D)~~(E) of section 125.05 of the Revised Code; 1809

(B) Purchases that equal or exceed the dollar amounts for the 1810
purchase of supplies or services determined pursuant to division 1811
~~(D)~~(E) of section 125.05 of the Revised Code with the approval of 1812
the controlling board, if that approval is required by section 1813
127.16 of the Revised Code; 1814

(C) The final determination of the nature or quantity making 1815
any purchase of supplies or services to be purchased pursuant to 1816
section 125.06 of the Revised Code; 1817

(D) The final determination and disposal of excess and 1818
surplus supplies; 1819

(E) The inventory of state property; 1820

(F) The purchase of printing; 1821

(G) Activities related to information technology development 1822
and use; 1823

(H) The fleet management program. 1824

Sec. 125.05. Except as provided in division ~~(E)~~(F) of this 1825
section, no state agency shall purchase any supplies or services 1826
except as provided in divisions (A) to ~~(C)~~(D) of this section. 1827

(A) Subject to division ~~(D)~~(E) of this section, a state 1828
agency may, without competitive selection, make any purchase of 1829
supplies or services that cost fifty twenty-five thousand dollars 1830
or less ~~or any purchase of supplies that cost twenty-five thousand~~ 1831
~~dollars or less~~. The agency may make the purchase directly or may 1832
make the purchase from or through the department of administrative 1833
services, whichever the agency determines. The ~~department shall~~ 1834
~~establish written procedures to assist state agencies when they~~ 1835
~~make direct purchases. If the agency makes the purchase directly,~~ 1836
~~it shall make the purchase by a term contract whenever possible~~ 1837
agency shall adopt written procedures consistent with the 1838
department's purchasing procedures and shall use those procedures 1839
when making purchases under this division. 1840

(B) Subject to division (E) of this section and in accordance 1841
with section 125.051 of the Revised Code, a state agency may make 1842
purchases of supplies and services that cost more than twenty-five 1843
thousand dollars but less than fifty thousand dollars if the 1844
purchases are made under the direction of an employee of the 1845
agency who is certified by the department to make purchases and if 1846
the purchases comply with the department's purchasing procedures. 1847
Section 127.16 of the Revised Code does not apply to purchases 1848
made under this division. Until the certification effective date 1849
established by the department in rules adopted under section 1850
125.051 of the Revised Code, state agencies may make purchases of 1851
supplies and services that cost more than twenty-five thousand 1852
dollars but less than fifty thousand dollars in the same manner as 1853
provided in division (A) of this section. 1854

~~(B)~~(C) Subject to division ~~(D)~~(E) of this section, a state 1855

agency wanting to purchase ~~services that cost more than fifty~~ 1856
~~thousand dollars or supplies or services~~ that cost more than 1857
twenty-five thousand dollars shall, unless otherwise authorized by 1858
law, make the purchase from or through the department. The 1859
department shall make the purchase by competitive selection ~~under~~ 1860
~~section 125.07 of the Revised Code~~. If the director of 1861
administrative services determines that it is not possible or not 1862
advantageous to the state for the department to make the purchase, 1863
the department shall grant the agency a release and permit under 1864
section 125.06 of the Revised Code to make the purchase. Section 1865
127.16 of the Revised Code does not apply to purchases the 1866
department makes under this section. 1867

~~(C)~~(D) An agency that has been granted a release and permit 1868
to make a purchase may make the purchase without competitive 1869
selection if after making the purchase the cumulative purchase 1870
threshold as computed under division ~~(F)~~(E) of section 127.16 of 1871
the Revised Code would: 1872

(1) Be exceeded and the controlling board approves the 1873
purchase; 1874

(2) Not be exceeded and the department of administrative 1875
services approves the purchase. 1876

~~(D)~~(E) Not later than ~~January 31, 1997, the amounts specified~~ 1877
~~in divisions (A) and (B) of this section and, not later than the~~ 1878
thirty-first day of January of each ~~second~~ even-numbered year 1879
~~thereafter, any amounts computed by adjustments made under this~~ 1880
~~division, shall be increased or decreased by the average~~ 1881
~~percentage increase or decrease in the consumer price index~~ 1882
~~prepared by the United States bureau of labor statistics (U.S.~~ 1883
~~City Average for Urban Wage Earners and Clerical Workers: "All~~ 1884
~~Items 1982-1984=100") for the twenty four calendar month period~~ 1885
~~prior to the immediately preceding first day of January over the~~ 1886
~~immediately preceding twenty four calendar month period, as~~ 1887

~~reported by the bureau. The director of administrative services~~ 1888
~~shall make this determination and adjust the appropriate amounts~~ 1889
~~accordingly, the directors of administrative services and budget~~ 1890
~~and management shall review and recommend to the general assembly,~~ 1891
~~if necessary, adjustments to the amounts specified in divisions~~ 1892
~~(A) to (C) of this section and division (B) of section 127.16 of~~ 1893
~~the Revised Code.~~ 1894

~~(E)(F)~~ If the eTech Ohio commission, the department of 1895
education, or the Ohio education computer network determines that 1896
it can purchase software services or supplies for specified school 1897
districts at a price less than the price for which the districts 1898
could purchase the same software services or supplies for 1899
themselves, the commission, department, or network shall certify 1900
that fact to the department of administrative services and, acting 1901
as an agent for the specified school districts, shall make that 1902
purchase without following the provisions in divisions (A) to (D) 1903
of this section. 1904

Sec. 125.051. The director of administrative services shall 1905
certify employees of state agencies to make purchases of supplies 1906
and services under division (B) of section 125.05 of the Revised 1907
Code. The director shall adopt rules in accordance with Chapter 1908
119. of the Revised Code governing certification that provide for 1909
the following: 1910

(A) Requirements for certification, including candidate 1911
qualifications and training on how to make purchases in accordance 1912
with the department of administrative services' purchasing 1913
procedures; 1914

(B) Requirements and procedures for renewal of certification; 1915

(C) Causes for and procedures governing termination of 1916
certification; 1917

(D) Requirements and procedures for granting provisional certification; 1918
1919

(E) The certification effective date, after which purchases shall be made by certified employees; 1920
1921

(F) Any other rules necessary to govern certification. 1922

Sec. 125.06. The department of administrative services may, 1923
pursuant to division ~~(B)~~(C) of section 125.05 of the Revised Code 1924
and subject to such rules as the director of administrative 1925
services may adopt, issue a release and permit to the agency to 1926
secure supplies or services. A release and permit shall specify 1927
the supplies or services to which it applies, the time during 1928
which it is operative, and the reason for its issuance. A release 1929
and permit for computer services shall also specify the type of 1930
services to be rendered, the number and type of machines to be 1931
employed, and may specify the amount of such services to be 1932
performed. One copy of every release and permit shall be filed 1933
with the agency to which it is issued, and one copy shall be 1934
retained by the department. 1935

Sec. 125.07. The department of administrative services, in 1936
making a purchase by competitive selection pursuant to division 1937
~~(B)~~(C) of section 125.05 of the Revised Code, shall give notice in 1938
the following manner: 1939

(A) The department shall advertise the intended purchases by 1940
notice that is posted by mail or electronic means and that is for 1941
the benefit of competing persons producing or dealing in the 1942
supplies or services to be purchased, including, but not limited 1943
to, the persons whose names appear on the appropriate list 1944
provided for in section 125.08 of the Revised Code. The notice may 1945
be in the form of the bid or proposal document or of a listing in 1946
a periodic bulletin, or in any other form the director of 1947

administrative services considers appropriate to sufficiently 1948
notify qualified competing persons of the intended purchases. 1949

(B) The notice required under division (A) of this section 1950
shall include the time and place where bids or proposals will be 1951
accepted and opened, or, when bids are made in a reverse auction, 1952
the time when bids will be accepted; the conditions under which 1953
bids or proposals will be received; the terms of the proposed 1954
purchases; and an itemized list of the supplies or services to be 1955
purchased and the estimated quantities or amounts of them. 1956

(C) The posting of the notice required under division (A) of 1957
this section shall be completed by the number of days the director 1958
determines preceding the day when the bids or proposals will be 1959
opened or accepted. 1960

(D) The department also shall maintain, in a public place in 1961
its office, a bulletin board upon which it shall post and maintain 1962
a copy of the notice required under division (A) of this section 1963
for at least the number of days the director determines under 1964
division (C) of this section preceding the day of the opening or 1965
acceptance of the bids or proposals. The failure to so 1966
additionally post the notice shall invalidate all proceedings had 1967
and any contract entered into pursuant to the proceedings. 1968

Sec. 125.18. (A) There is hereby established the office of 1969
information technology ~~housed~~ within the department of 1970
administrative services. The office shall be under the supervision 1971
of a state chief information officer to be appointed by the 1972
~~governor~~ director of administrative services and subject to 1973
removal at the pleasure of the ~~governor~~ director. The chief 1974
information officer ~~shall serve as the~~ is an assistant director of 1975
~~the office~~ administrative services. 1976

(B) ~~The director of the office of information technology~~ 1977
~~shall advise the governor regarding the superintendence and~~ 1978

implementation of statewide information technology policy.	1979
(C) The director of the office of information technology	1980
<u>Under the direction of the director of administrative services,</u>	1981
<u>the state chief information officer</u> shall lead, oversee, and	1982
direct state agency activities related to information technology	1983
development and use. In that regard, the director <u>state chief</u>	1984
<u>information officer</u> shall do all of the following:	1985
(1) Coordinate and superintend statewide efforts to promote	1986
common use and development of technology by state agencies. The	1987
office of information technology shall establish policies and	1988
standards that govern and direct state agency participation in	1989
statewide programs and initiatives.	1990
(2) Establish policies and standards for the acquisition and	1991
use of information technology by state agencies, including, but	1992
not limited to, hardware, software, technology services, and	1993
security, with which state agencies shall comply;	1994
(3) Establish criteria and review processes to identify state	1995
agency information technology projects <u>or purchases</u> that require	1996
alignment or oversight. As appropriate, the office of information	1997
technology <u>department of administrative services</u> shall provide the	1998
governor and the director of budget and management with notice and	1999
advice regarding the appropriate allocation of resources for those	2000
projects. The director of the office of information technology	2001
<u>state chief information officer</u> may require state agencies to	2002
provide, and may prescribe the form and manner by which they must	2003
provide, information to fulfill the director's <u>state chief</u>	2004
<u>information officer's</u> alignment and oversight role;	2005
(4) Establish policies and procedures for the security of	2006
personal information that is maintained and destroyed by state	2007
agencies;	2008
(5) Employ a chief information security officer who is	2009

responsible for the implementation of the policies and procedures 2010
described in division ~~(C)~~(B)(4) of this section and for 2011
coordinating the implementation of those policies and procedures 2012
in all of the state agencies; 2013

(6) Employ a chief privacy officer who is responsible for 2014
advising ~~the office of information technology~~ and state agencies 2015
when establishing policies and procedures for the security of 2016
personal information and developing education and training 2017
programs regarding the state's security procedures. 2018

~~(D)~~(C)(1) The chief information security officer shall assist 2019
each state agency with the development of an information 2020
technology security strategic plan and review that plan, and each 2021
state agency shall submit that plan to the ~~office of information~~ 2022
~~technology~~ state chief information officer. The chief information 2023
security officer may require that each state agency update its 2024
information technology security strategic plan annually as 2025
determined by the state chief information officer. 2026

(2) Prior to the implementation of any information technology 2027
data system, a state agency shall prepare or have prepared a 2028
privacy impact statement for that system. 2029

~~(E)~~ ~~The office of information technology shall have the same~~ 2030
~~authority given to the department of administrative services under~~ 2031
~~sections 125.01, 125.02, 125.023, 125.04, 125.05, 125.06, 125.07,~~ 2032
~~125.071, 125.072, 125.081, 125.09, 125.10, 125.11, and 125.25 of~~ 2033
~~the Revised Code for the purchase of information technology~~ 2034
~~supplies and services for state agencies.~~ 2035

~~(F)~~(D) When a state agency requests a purchase of information 2036
technology supplies or services under Chapter 125. of the Revised 2037
Code, the state chief information officer may review and reject 2038
the requested purchase for noncompliance with information 2039
technology direction, plans, policies, standards, or 2040

project-alignment criteria. 2041

~~(E)~~ The office of information technology may ~~make contracts~~ 2042
~~for,~~ operate, ~~and superintend~~ technology ~~supplies and~~ services for 2043
state agencies in accordance with this chapter. 2044

~~(G)~~ (F) With the approval of the director of 2045
administrative services, the office of information technology may 2046
establish cooperative agreements with federal and local government 2047
agencies and state agencies that are not under the authority of 2048
the governor for the provision of technology services and the 2049
development of technology projects. 2050

~~(H)~~(G) As used in this section: 2051

(1) "Personal information" has the same meaning as in section 2052
149.45 of the Revised Code. 2053

(2) "State agency" means every organized body, office, or 2054
agency established by the laws of the state for the exercise of 2055
any function of state government, other than any state-supported 2056
institution of higher education, the office of the auditor of 2057
state, treasurer of state, secretary of state, or attorney 2058
general, the adjutant general's department, the bureau of workers' 2059
compensation, the industrial commission, the public employees 2060
retirement system, the Ohio police and fire pension fund, the 2061
state teachers retirement system, the school employees retirement 2062
system, the state highway patrol retirement system, the general 2063
assembly or any legislative agency, or the courts or any judicial 2064
agency. 2065

Sec. 125.25. (A) The director of administrative services may 2066
debar a vendor from consideration for contract awards upon a 2067
finding based upon a reasonable belief that the vendor has done 2068
any of the following: 2069

(1) Abused the selection process by repeatedly withdrawing 2070

bids or proposals before purchase orders or contracts are issued	2071
or failing to accept orders based upon firm bids;	2072
(2) Failed to substantially perform a contract according to	2073
its terms, conditions, and specifications within specified time	2074
limits;	2075
(3) Failed to cooperate in monitoring contract performance by	2076
refusing to provide information or documents required in a	2077
contract, failed to respond to complaints to the vendor, or	2078
accumulated repeated justified complaints regarding performance of	2079
a contract;	2080
(4) Attempted to influence a public employee to breach	2081
ethical conduct standards or to influence a contract award;	2082
(5) Colluded to restrain competition by any means;	2083
(6) Been convicted of a criminal offense related to the	2084
application for or performance of any public or private contract,	2085
including, but not limited to, embezzlement, theft, forgery,	2086
bribery, falsification or destruction of records, receiving stolen	2087
property, and any other offense that directly reflects on the	2088
vendor's business integrity;	2089
(7) Been convicted under state or federal antitrust laws;	2090
(8) Deliberately or willfully submitted false or misleading	2091
information in connection with the application for or performance	2092
of a public contract;	2093
(9) Violated any other responsible business practice or	2094
performed in an unsatisfactory manner as determined by the	2095
director;	2096
(10) Through the default of a contract or through other means	2097
had a determination of unresolved finding for recovery by the	2098
auditor of state under section 9.24 of the Revised Code;	2099
(11) Acted in such a manner as to be debarred from	2100

participating in a contract with any governmental agency. 2101

(B) When the director reasonably believes that grounds for 2102
debarment exist, the director shall send the vendor a notice of 2103
proposed debarment indicating the grounds for the proposed 2104
debarment and the procedure for requesting a hearing on the 2105
proposed debarment. The hearing shall be conducted in accordance 2106
with Chapter 119. of the Revised Code. If the vendor does not 2107
respond with a request for a hearing in the manner specified in 2108
Chapter 119. of the Revised Code, the director shall issue the 2109
debarment decision without a hearing and shall notify the vendor 2110
of the decision by certified mail, return receipt requested. 2111

(C) The director shall determine the length of the debarment 2112
period and may rescind the debarment at any time upon notification 2113
to the vendor. During the period of debarment, the vendor is not 2114
eligible to participate in any state contract. After the debarment 2115
period expires, the vendor shall be eligible to be awarded 2116
contracts by state agencies. 2117

(D) The director, through ~~the office of information~~ 2118
~~technology~~ and the office of procurement services, shall maintain 2119
a list of all vendors currently debarred under this section. 2120

Sec. 127.16. (A) Upon the request of either a state agency or 2121
the director of budget and management and after the controlling 2122
board determines that an emergency or a sufficient economic reason 2123
exists, the controlling board may approve the making of a purchase 2124
without competitive selection as provided in division (B) of this 2125
section. 2126

(B) Except as otherwise provided in this section, no state 2127
agency, using money that has been appropriated to it directly, 2128
shall: 2129

(1) Make any purchase from a particular supplier, that would 2130

amount to fifty thousand dollars or more when combined with both 2131
the amount of all disbursements to the supplier during the fiscal 2132
year for purchases made by the agency and the amount of all 2133
outstanding encumbrances for purchases made by the agency from the 2134
supplier, unless the purchase is made by competitive selection or 2135
with the approval of the controlling board; 2136

(2) Lease real estate from a particular supplier, if the 2137
lease would amount to seventy-five thousand dollars or more when 2138
combined with both the amount of all disbursements to the supplier 2139
during the fiscal year for real estate leases made by the agency 2140
and the amount of all outstanding encumbrances for real estate 2141
leases made by the agency from the supplier, unless the lease is 2142
made by competitive selection or with the approval of the 2143
controlling board. 2144

(C) Any person who authorizes a purchase in violation of 2145
division (B) of this section shall be liable to the state for any 2146
state funds spent on the purchase, and the attorney general shall 2147
collect the amount from the person. 2148

(D) Nothing in division (B) of this section shall be 2149
construed as: 2150

(1) A limitation upon the authority of the director of 2151
transportation as granted in sections 5501.17, 5517.02, and 2152
5525.14 of the Revised Code; 2153

(2) Applying to medicaid provider agreements under Chapter 2154
5111. of the Revised Code or payments or provider agreements under 2155
the disability medical assistance program established under 2156
Chapter 5115. of the Revised Code; 2157

(3) Applying to the purchase of examinations from a sole 2158
supplier by a state licensing board under Title XLVII of the 2159
Revised Code; 2160

(4) Applying to entertainment contracts for the Ohio state 2161

fair entered into by the Ohio expositions commission, provided 2162
that the controlling board has given its approval to the 2163
commission to enter into such contracts and has approved a total 2164
budget amount for such contracts as agreed upon by commission 2165
action, and that the commission causes to be kept itemized records 2166
of the amounts of money spent under each contract and annually 2167
files those records with the clerk of the house of representatives 2168
and the clerk of the senate following the close of the fair; 2169

(5) Limiting the authority of the chief of the division of 2170
mineral resources management to contract for reclamation work with 2171
an operator mining adjacent land as provided in section 1513.27 of 2172
the Revised Code; 2173

(6) Applying to investment transactions and procedures of any 2174
state agency, except that the agency shall file with the board the 2175
name of any person with whom the agency contracts to make, broker, 2176
service, or otherwise manage its investments, as well as the 2177
commission, rate, or schedule of charges of such person with 2178
respect to any investment transactions to be undertaken on behalf 2179
of the agency. The filing shall be in a form and at such times as 2180
the board considers appropriate. 2181

(7) Applying to purchases made with money for the per cent 2182
for arts program established by section 3379.10 of the Revised 2183
Code; 2184

(8) Applying to purchases made by the rehabilitation services 2185
commission of services, or supplies, that are provided to persons 2186
with disabilities, or to purchases made by the commission in 2187
connection with the eligibility determinations it makes for 2188
applicants of programs administered by the social security 2189
administration; 2190

(9) Applying to payments by the department of job and family 2191
services under section 5111.13 of the Revised Code for group 2192

health plan premiums, deductibles, coinsurance, and other	2193
cost-sharing expenses;	2194
(10) Applying to any agency of the legislative branch of the	2195
state government;	2196
(11) Applying to agreements or contracts entered into under	2197
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the	2198
Revised Code;	2199
(12) Applying to purchases of services by the adult parole	2200
authority under section 2967.14 of the Revised Code or by the	2201
department of youth services under section 5139.08 of the Revised	2202
Code;	2203
(13) Applying to dues or fees paid for membership in an	2204
organization or association;	2205
(14) Applying to purchases of utility services pursuant to	2206
section 9.30 of the Revised Code;	2207
(15) Applying to purchases made in accordance with rules	2208
adopted by the department of administrative services of motor	2209
vehicle, aviation, or watercraft fuel, or emergency repairs of	2210
such vehicles;	2211
(16) Applying to purchases of tickets for passenger air	2212
transportation;	2213
(17) Applying to purchases necessary to provide public	2214
notifications required by law or to provide notifications of job	2215
openings;	2216
(18) Applying to the judicial branch of state government;	2217
(19) Applying to purchases of liquor for resale by the	2218
division of liquor control;	2219
(20) Applying to purchases of motor courier and freight	2220
services made in accordance with department of administrative	2221
services rules;	2222

(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	2223 2224 2225 2226
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	2227 2228 2229
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	2230 2231
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	2232 2233 2234 2235
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;	2236 2237 2238
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	2239 2240 2241 2242 2243
(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under section 5123.18 of the Revised Code;	2244 2245 2246
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;	2247 2248 2249
(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the	2250 2251 2252

Revised Code. The director shall keep an itemized accounting of 2253
unclaimed funds collected by those persons and amounts paid to 2254
them for their services. 2255

(30) Applying to purchases made by a state institution of 2256
higher education in accordance with the terms of a contract 2257
between the vendor and an inter-university purchasing group 2258
comprised of purchasing officers of state institutions of higher 2259
education; 2260

(31) Applying to the department of job and family services' 2261
purchases of health assistance services under the children's 2262
health insurance program part I provided for under section 5101.50 2263
of the Revised Code, the children's health insurance program part 2264
II provided for under section 5101.51 of the Revised Code, or the 2265
children's health insurance program part III provided for under 2266
section 5101.52 of the Revised Code, or the children's buy-in 2267
program provided for under sections 5101.5211 to 5101.5216 of the 2268
Revised Code; 2269

(32) Applying to payments by the attorney general from the 2270
reparations fund to hospitals and other emergency medical 2271
facilities for performing medical examinations to collect physical 2272
evidence pursuant to section 2907.28 of the Revised Code; 2273

(33) Applying to contracts with a contracting authority or 2274
administrative receiver under division (B) of section 5126.056 of 2275
the Revised Code; 2276

(34) Applying to reimbursements paid to the United States 2277
department of veterans affairs for pharmaceutical and patient 2278
supply purchases made on behalf of the Ohio veterans' home agency; 2279

(35) Applying to agreements entered into with terminal 2280
distributors of dangerous drugs under section 173.79 of the 2281
Revised Code; 2282

(36) Applying to payments by the superintendent of the bureau 2283

of criminal identification and investigation to the federal bureau 2284
of investigation for criminal records checks pursuant to section 2285
109.572 of the Revised Code. 2286

~~(E) Notwithstanding division (B)(1) of this section, the 2287
cumulative purchase threshold shall be seventy five thousand 2288
dollars for the departments of mental retardation and 2289
developmental disabilities, mental health, rehabilitation and 2290
correction, and youth services. 2291~~

~~(F)~~ When determining whether a state agency has reached the 2292
cumulative purchase thresholds established in divisions (B)(1),
~~(B)~~ and (2), ~~and (E)~~ of this section, all of the following 2293
purchases by such agency shall not be considered: 2294
2295

(1) Purchases made through competitive selection or with 2296
controlling board approval; 2297

(2) Purchases listed in division (D) of this section; 2298

(3) For the purposes of the ~~thresholds~~ threshold of ~~divisions~~
division (B)(1) ~~and (E)~~ of this section only, leases of real 2299
estate. 2300
2301

~~(G)~~(F) As used in this section, "competitive selection," 2302
"purchase," "supplies," and "services" have the same meanings as 2303
in section 125.01 of the Revised Code. 2304

Sec. 133.08. (A) In addition to any power to issue securities 2305
under other provisions of the Revised Code for the purposes, a 2306
county may issue revenue securities as authorized in this section. 2307
2308

(B) A county may issue revenue securities to fund or refund 2309
revenue securities previously issued, or for any purposes for 2310
which it could issue self-supporting securities and, without 2311
limitation, any of the following general purposes: 2312

(1) For one or more established sewer districts, any of the 2313

purposes provided in divisions (C)(2)(a) and (b) of section 133.07 2314
of the Revised Code⁺, including sanitary facilities, drainage 2315
facilities, and prevention or replacement facilities as defined in 2316
section 6117.01 of the Revised Code. For purposes of this chapter, 2317
those sanitary facilities, drainage facilities, and prevention or 2318
replacement facilities are hereby determined to qualify as 2319
facilities described in Section 13 of Article VIII, Ohio 2320
Constitution. 2321

(2) Hospital facilities as defined in division (E) of section 2322
140.01 of the Revised Code; 2323

(3) Facilities described in division (C)(10) of section 2324
133.07 of the Revised Code; 2325

(4) Off-street parking facilities pursuant to section 307.02 2326
of the Revised Code; 2327

(5) An arena, a convention center, or a combination of an 2328
arena and convention center under section 307.695 of the Revised 2329
Code. 2330

(C) The county shall establish rates or charges for the use, 2331
availability, or rental of the facilities to which the financing 2332
relates, being the improvement, enterprise, system, project, or 2333
categories of improvements or the operation or function that the 2334
facilities serve, which rates or charges shall be designed to 2335
provide revenues to the county sufficient to pay the costs of all 2336
current expenses of the facilities payable by the county and to 2337
pay the debt charges on the securities and to establish and 2338
maintain any contractually required special funds relating to the 2339
securities or the facilities. 2340

(D) Revenue securities issued under this section shall not be 2341
general obligations of the county. Revenue securities issued under 2342
this section shall be secured only by a pledge of and lien upon 2343
the revenues of the county, derived from its ownership or 2344

operation of the facilities, including those rates or charges or 2345
rents and any interest subsidies or debt charges, grants, or other 2346
payments by federal or state agencies available therefor, and the 2347
covenants of the county to maintain sufficient rentals, rates, and 2348
charges to produce revenues sufficient to pay all current expenses 2349
of the facilities payable by the county and to pay the debt 2350
charges on the securities and to establish and maintain any 2351
contractually required special funds relating to the securities or 2352
the facilities, and, if the securities are anticipatory 2353
securities, to issue the revenue securities in anticipation of the 2354
issuance of which the revenue securities are issued. Revenue 2355
securities may also be secured by a pledge of and lien on the 2356
proceeds of any securities issued to fund or refund those revenue 2357
securities. 2358

(E) The county officers authorized by the county taxing 2359
authority shall execute the necessary documents, including but not 2360
limited to trust agreements and leases, to provide for the pledge, 2361
protection, and disposition of the pledged revenues from which 2362
debt charges and any special fund deposits are to be paid. 2363

(F) As long as any of these revenue securities, in either 2364
original or refunded form, remain outstanding, except as otherwise 2365
provided in those documents, all parts of the facilities the 2366
revenues from which are pledged, shall remain under the control of 2367
the county taxing authority, whether any parts of the facilities 2368
are leased to or operated by others or are in or thereafter come 2369
within the boundaries of any municipal corporation, and the 2370
facilities shall remain subject to the power and duty of the 2371
taxing authority to fix and collect rates or charges or rents for 2372
the use of facilities. 2373

(G) The authority to issue securities of the county under 2374
this section for permanent improvements described in division 2375
(B)(2) of this section or division (C)(2)(d) of section 133.07 of 2376

the Revised Code may separately and independently be exercised by 2377
a board of county hospital trustees established under section 2378
339.02 of the Revised Code for those permanent improvements and 2379
related operations under the control of that board. 2380

(H) Sections 9.98 to 9.983 of the Revised Code apply to 2381
securities issued under this section, notwithstanding any other 2382
provision in this chapter. 2383

Sec. 133.52. A county, municipal corporation, or township may 2384
issue or incur public obligations, including general obligations, 2385
to provide, or assist in providing, grants, loans, loan 2386
guarantees, or contributions for conservation and revitalization 2387
purposes pursuant to Section 2o of Article VIII, Ohio 2388
Constitution. 2389

Sec. 135.101. As used in sections 135.101 to 135.106 of the 2390
Revised Code: 2391

(A) "Eligible resident" means an individual who is a resident 2392
of Ohio and who completes the SaveNOW education program prescribed 2393
by section 135.104 of the Revised Code. 2394

(B) "Eligible savings institution" means a financial 2395
institution that offers savings accounts available to residents of 2396
Ohio, that is a public depository of public money of the state 2397
under section 135.03 of the Revised Code, and that agrees to 2398
participate in the SaveNOW program under sections 135.101 to 2399
135.106 of the Revised Code. 2400

(C) "SaveNOW linked deposit" means a deposit placed by the 2401
treasurer of state with an eligible savings institution at a rate 2402
determined and calculated by the treasurer of state. 2403

(D) "SaveNOW savings account" means an interest-bearing 2404
account that is opened by an eligible resident at an eligible 2405
savings institution and that complies with the requirements of 2406

section 135.104 of the Revised Code. 2407

(E) "Premium savings rate" means the highest savings rate 2408
that is offered by an eligible savings institution for large 2409
deposits, as approved by and negotiated with the treasurer of 2410
state. 2411

(F) "Program period" means the length of time, not to exceed 2412
two years, established by the treasurer of state that a SaveNOW 2413
savings account is eligible to receive the SaveNOW interest 2414
incentive. 2415

Sec. 135.102. The general assembly finds that the personal 2416
savings rate among Ohioans has declined in recent years, that 2417
personal savings are important to the future prosperity of Ohio, 2418
and that personal savings must be encouraged and assisted. The 2419
SaveNOW program provided for in sections 135.101 to 135.106 of the 2420
Revised Code is intended to promote increased personal savings, 2421
which will materially contribute to the economic growth of Ohio 2422
and the financial security of its residents. Accordingly, it is 2423
declared to be the public policy of the state through the SaveNOW 2424
program to create an availability of higher-rate savings accounts 2425
for the purpose of increasing personal savings and promoting 2426
financial education among the residents of Ohio. 2427

Sec. 135.103. The treasurer of state may invest in SaveNOW 2428
linked deposits under sections 135.101 to 135.106 of the Revised 2429
Code, provided that at the time of placing any SaveNOW linked 2430
deposits the combined amount of investments of public money of the 2431
state in linked deposits of any kind is not more than twelve per 2432
cent of the state's total average investment portfolio as 2433
determined by the treasurer of state. When deciding whether to 2434
invest in SaveNOW linked deposits, the treasurer of state shall 2435
give priority to the investment, liquidity, and cash flow needs of 2436

the state. 2437

Sec. 135.104. (A) A resident of Ohio may participate in the 2438
SaveNOW program by agreeing to maintain a SaveNOW savings account 2439
at an eligible savings institution for the program period and by 2440
completing the SaveNOW education program. The SaveNOW education 2441
program shall include a financial literacy assessment and a 2442
financial literacy program established and administered by the 2443
treasurer of state. 2444

(B) An eligible savings institution shall accept applications 2445
for a SaveNOW savings account from eligible residents on a 2446
first-come, first-served basis on forms prescribed by the 2447
treasurer of state. The eligible savings institution shall offer 2448
to eligible residents a SaveNOW savings account that satisfies all 2449
of the following: 2450

(1) Opening and maintaining the account requires no minimum 2451
deposit; 2452

(2) No fees are charged for opening or using the account; and 2453

(3) All deposits in the account earn at least the premium 2454
savings rate. 2455

(C) To provide an additional incentive for saving, a SaveNOW 2456
incentive rate of interest shall accrue to the average daily 2457
balance of deposits, up to five thousand dollars, in a SaveNOW 2458
savings account during the program period at a rate equal to up to 2459
three percentage points above the premium savings rate. The 2460
interest earnings arising from the SaveNOW incentive rate of 2461
interest shall be credited to the account in a lump sum at the 2462
conclusion of the program period. 2463

(D) The interest earnings arising from the SaveNOW incentive 2464
rate of interest under division (C) of this section shall be 2465
deducted from the interest earned on the state's SaveNOW linked 2466

deposit at the end of the eligible program period. 2467

(E) Not more than one SaveNOW savings account shall be held 2468
by an eligible resident during a program period. An individual 2469
holding a SaveNOW savings account jointly with another individual 2470
shall be considered to be holding such an account for the purposes 2471
of this division, unless the joint ownership is of an account 2472
opened by a parent, grandparent, or guardian for a minor or for a 2473
dependent adult. 2474

Sec. 135.105. (A) Upon the placement of a SaveNOW linked 2475
deposit with an eligible savings institution, the institution 2476
shall offer SaveNOW savings accounts to eligible residents under 2477
section 135.104 of the Revised Code. A certification of compliance 2478
with this section in the form and manner prescribed by the 2479
treasurer of state shall be required of the eligible savings 2480
institution. 2481

(B) The treasurer of state shall take any and all steps 2482
necessary to implement the SaveNOW program and to monitor the 2483
compliance of eligible savings institutions, including the 2484
development of guidelines as necessary. 2485

(C) Annually, by the first day of February, the treasurer of 2486
state shall report on the SaveNOW program for the preceding 2487
calendar year to the governor, the speaker of the house of 2488
representatives, and the president of the senate. The speaker 2489
shall transmit copies of the report to the chairpersons of the 2490
standing committees of the house of representatives that 2491
customarily consider legislation regarding finance, and the 2492
president of the senate shall transmit copies of the report to the 2493
chairpersons of the standing committees of the senate that 2494
customarily consider legislation regarding finance. The report 2495
shall set forth the SaveNOW linked deposits made by the treasurer 2496
of state under the program during the year and shall include a 2497

list of eligible savings institutions and the number of SaveNOW 2498
savings accounts at each of those institutions during the 2499
preceding year. 2500

Sec. 135.106. The state and the treasurer of state are not 2501
liable to any eligible savings institution or any eligible 2502
resident in any manner for the terms associated with SaveNOW 2503
savings accounts. Any misuse or misconduct on the part of an 2504
eligible savings institution or eligible resident does not in any 2505
manner affect the deposit agreement between the eligible savings 2506
institution and the treasurer of state. 2507

Sec. 135.61. As used in sections 135.61 to 135.67 of the 2508
Revised Code: 2509

(A) "Eligible small business" means any person, including, 2510
but not limited to a person engaged in agriculture, that has all 2511
of the following characteristics: 2512

(1) Is headquartered in this state; 2513

(2) Maintains offices and operating facilities exclusively in 2514
this state and transacts business in this state; 2515

(3) Employs fewer than one hundred fifty employees, the 2516
majority of whom are residents of this state; 2517

(4) Is organized for profit. 2518

(B) "Eligible lending institution" means a financial 2519
institution that is eligible to make commercial loans, is a public 2520
depository of state funds under section 135.03 of the Revised 2521
Code, and agrees to participate in the linked deposit program. 2522

(C) "Linked deposit" means a certificate of deposit placed by 2523
the treasurer of state with an eligible lending institution at ~~up~~ 2524
~~to three per cent~~ a rate below current market rates, as determined 2525
and calculated by the treasurer of state, provided the institution 2526

agrees to lend the value of such deposit, according to the deposit 2527
agreement provided in division (C) of section 135.65 of the 2528
Revised Code, to eligible small businesses at ~~three per cent~~ a 2529
rate that reflects an equal percentage rate reduction below the 2530
present borrowing rate applicable to each specific business at the 2531
time of the deposit of state funds in the institution. 2532

Sec. 135.63. The treasurer of state may invest in linked 2533
deposits under sections 135.61 to 135.67, agricultural linked 2534
deposits under sections 135.71 to 135.76, housing linked deposits 2535
under sections 135.81 to 135.87, ~~and~~ assistive technology device 2536
linked deposits under sections 135.91 to 135.97, and SaveNOW 2537
linked deposits under sections 135.101 to 135.106 of the Revised 2538
Code, provided that at the time of placement of any such linked 2539
deposit ~~under sections 135.61 to 135.67 of the Revised Code,~~ 2540
~~agricultural linked deposit, housing linked deposit, or assistive~~ 2541
~~technology device linked deposit,~~ the combined amount of 2542
investments in ~~the linked deposits, agricultural linked deposits,~~ 2543
~~housing linked deposits, and assistive technology device~~ all such 2544
linked deposits is not more than twelve per cent of the state's 2545
total average investment portfolio as determined by the treasurer 2546
of state. When deciding whether to invest in ~~the linked deposits,~~ 2547
~~agricultural linked deposits, housing linked deposits, or~~ 2548
~~assistive technology device~~ any such linked deposits, the 2549
treasurer of state shall give priority to the investment, 2550
liquidity, and cash flow needs of the state. 2551

Sec. 135.65. (A) The treasurer of state may accept or reject 2552
a linked deposit loan package or any portion thereof, based on the 2553
treasurer's evaluation of the eligible small businesses included 2554
in the package and the amount of state funds to be deposited. When 2555
evaluating the eligible small businesses, the treasurer shall give 2556
priority to the economic needs of the area where the business is 2557

located and the ratio of state funds to be deposited to jobs 2558
sustained or created and shall also consider any reports, 2559
statements, or plans applicable to the business, the overall 2560
financial need of the business, and such other factors as the 2561
treasurer considers appropriate. 2562

(B) Upon acceptance of the linked deposit loan package or any 2563
portion thereof, the treasurer of state may place certificates of 2564
deposit with the eligible lending institution at ~~three per cent~~ a 2565
rate below current market rates, as determined and calculated by 2566
the treasurer of state. When necessary, the treasurer may place 2567
certificates of deposit prior to acceptance of a linked deposit 2568
loan package. 2569

(C) The eligible lending institution shall enter into a 2570
deposit agreement with the treasurer of state, which shall include 2571
requirements necessary to carry out the purposes of sections 2572
135.61 to 135.67 of the Revised Code. Such requirements shall 2573
reflect the market conditions prevailing in the eligible lending 2574
institution's lending area. The agreement may include a 2575
specification of the period of time in which the lending 2576
institution is to lend funds upon the placement of a linked 2577
deposit, and shall include provisions for the certificates of 2578
deposit to be placed for any maturity considered appropriate by 2579
the treasurer of state not to exceed two years, and may be renewed 2580
for up to an additional two years at the option of the treasurer. 2581
Interest shall be paid at the times determined by the treasurer of 2582
state. 2583

(D) Eligible lending institutions shall comply fully with 2584
Chapter 135. of the Revised Code. 2585

Sec. 135.66. (A) Upon the placement of a linked deposit with 2586
an eligible lending institution, such institution is required to 2587
lend such funds to each approved eligible small business listed in 2588

the linked deposit loan package required by division (D) of 2589
section 135.64 of the Revised Code and in accordance with the 2590
deposit agreement required by division (C) of section 135.65 of 2591
the Revised Code. The loan shall be at ~~three per cent~~ a rate that 2592
reflects a percentage rate reduction below the present borrowing 2593
rate applicable to each business that is equal to the percentage 2594
rate reduction below market rates at which the certificate of 2595
deposits that constitute the linked deposit were placed. A 2596
certification of compliance with this section in the form and 2597
manner as prescribed by the treasurer of state shall be required 2598
of the eligible lending institution. 2599

(B) The treasurer of state shall take any and all steps 2600
necessary to implement the linked deposit program and monitor 2601
compliance of eligible lending institutions and eligible small 2602
businesses, including the development of guidelines as necessary. 2603
The treasurer of state and the department of development shall 2604
notify each other at least quarterly of the names of the 2605
businesses receiving financial assistance from their respective 2606
programs. 2607

Annually, by the first day of February, the treasurer of 2608
state shall report on the linked deposits program for the 2609
preceding calendar year to the governor, the speaker of the house 2610
of representatives, and the president of the senate. The speaker 2611
of the house shall transmit copies of this report to the ~~chairmen~~ 2612
chairpersons of the standing committees in the house which 2613
customarily consider legislation regarding agriculture and small 2614
business, and the president of the senate shall transmit copies of 2615
this report to the ~~chairmen~~ chairpersons of the standing 2616
committees in the senate which customarily consider legislation 2617
regarding agriculture and small business. The report shall set 2618
forth the linked deposits made by the treasurer of state under the 2619
program during the year and shall include information regarding 2620

the nature, terms, and amounts of the loans upon which the linked 2621
deposits were based and the eligible small businesses to which the 2622
loans were made. 2623

Sec. 145.47. (A) Each public employee who is a contributor to 2624
the public employees retirement system shall contribute eight per 2625
cent of the contributor's earnable salary to the employees' 2626
savings fund, except that the public employees retirement board 2627
may raise the contribution rate to a rate not greater than ten per 2628
cent of the employee's earnable salary. 2629

(B) The head of each state department, institution, board, 2630
and commission, and the fiscal officer of each local authority 2631
subject to this chapter, shall deduct from the earnable salary of 2632
each contributor on every payroll of such contributor for each 2633
payroll period subsequent to the date of coverage, an amount equal 2634
to the applicable per cent of the contributor's earnable salary. 2635
The head of each state department and the fiscal officer of each 2636
local authority subject to this chapter shall transmit promptly to 2637
the system a report of contributions at such intervals and in such 2638
form as the system shall require, showing thereon all deductions 2639
for the system made from the earnable salary of each contributor 2640
employed, together with warrants ~~or~~, checks, or electronic 2641
payments covering the total of such deductions. A penalty ~~of five~~ 2642
~~per cent of the total amount due for the particular reporting~~ 2643
~~period~~ shall be added when such report, together with warrants ~~or~~, 2644
checks, or electronic payments to cover the total amount due from 2645
the earnable salary of all amenable employees of such employer, is 2646
filed thirty or more days after the last day of such reporting 2647
period. ~~Such~~ The system, after making a record of all receipts 2648
under this division, shall deposit the receipts with the treasurer 2649
of state for use as provided by this chapter. 2650

(C) Unless the board adopts a rule under division (D) of this 2651

section, the penalty described in division (B) of this section for 2652
failing to timely transmit a report, pay the total amount due, or 2653
both is as follows: 2654

(1) At least one but not more than ten days past due, an 2655
amount equal to one per cent of the total amount due; 2656

(2) At least eleven but not more than thirty days past due, 2657
an amount equal to two and one-half per cent of the total amount 2658
due; 2659

(3) Thirty-one or more days past due, an amount equal to five 2660
per cent of the total amount due. 2661

The penalty described in this division shall be added to and 2662
collected on the next succeeding regular employer billing. 2663
Interest at a rate set by the retirement board shall be charged on 2664
the amount of the penalty in case such penalty is not paid within 2665
~~three months~~ thirty days after it is added to the regular employer 2666
billing. ~~The system, after making a record of all such receipts,~~ 2667
~~shall deposit them with the treasurer of state for use as provided~~ 2668
~~by this chapter. In~~ 2669

(D) The board may adopt rules to establish penalties in 2670
amounts that do not exceed the amounts specified in divisions 2671
(C)(1) to (3) of this section. 2672

(E) In addition to the periodical reports of deduction 2673
required by this section, the fiscal officer of each local 2674
authority subject to this chapter shall submit to the system at 2675
least once each year a complete listing of all noncontributing 2676
appointive employees. Where an employer fails to transmit 2677
contributions to the system, the system may make a determination 2678
of the employees' liability for contributions and certify to the 2679
employer the amounts due for collection in the same manner as 2680
payments due the employers' accumulation fund. Any amounts so 2681
collected shall be held in trust pending receipt of a report of 2682

contributions for such public employees for the period involved as 2683
provided by law and, thereafter, the amount in trust shall be 2684
transferred to the employees' savings fund to the credit of the 2685
employees. Any amount remaining after the transfer to the 2686
employees' savings fund shall be transferred to the employers' 2687
accumulation fund as a credit of such employer. ~~The~~ 2688

(F) The fiscal officer of each local authority subject to 2689
this chapter shall require each new contributor to submit to the 2690
system a detailed report of all the contributor's previous service 2691
as a public employee along with such other facts as the board 2692
requires for the proper operation of the system. 2693

(G) Any member who, because of the member's own illness, 2694
injury, or other reason which may be approved by the member's 2695
employer is prevented from making the member's contribution to the 2696
system for any payroll period, may pay such deductions as a back 2697
payment within one year. 2698

Sec. 149.30. The Ohio historical society, chartered by this 2699
state as a corporation not for profit to promote a knowledge of 2700
history and archaeology, especially of Ohio, and operated 2701
continuously in the public interest since 1885, may perform public 2702
functions as prescribed by law. 2703

The general assembly may appropriate money to the Ohio 2704
historical society each biennium to carry out the public functions 2705
of the society as enumerated in this section. An appropriation by 2706
the general assembly to the society constitutes an offer to 2707
contract with the society to carry out those public functions for 2708
which appropriations are made. An acceptance by the society of the 2709
appropriated funds constitutes an acceptance by the society of the 2710
offer and is considered an agreement by the society to perform 2711
those functions in accordance with the terms of the appropriation 2712
and the law and to expend the funds only for the purposes for 2713

which appropriated. The governor may request on behalf of the 2714
society, and the controlling board may release, additional funds 2715
to the society for survey, salvage, repair, or rehabilitation of 2716
an emergency nature for which funds have not been appropriated, 2717
and acceptance by the society of those funds constitutes an 2718
agreement on the part of the society to expend those funds only 2719
for the purpose for which released by the controlling board. 2720

The society shall faithfully expend and apply all moneys 2721
received from the state to the uses and purposes directed by law 2722
and for necessary administrative expenses. If the general assembly 2723
appropriates money to the society for grants or subsidies to other 2724
entities for their site-related programs, the society, except for 2725
good cause, shall distribute the money within ninety days of 2726
accepting a grant or subsidy application for the money. 2727

The society shall perform the public function of sending 2728
notice by certified mail to the owner of any property at the time 2729
it is listed on the national register of historic places. The 2730
society shall accurately record all expenditures of such funds in 2731
conformity with generally accepted accounting principles. 2732

The auditor of state shall audit all funds and fiscal records 2733
of the society. 2734

The public functions to be performed by the Ohio historical 2735
society shall include all of the following: 2736

(A) Creating, supervising, operating, protecting, 2737
maintaining, and promoting for public use a system of state 2738
memorials, titles to which may reside wholly or in part with this 2739
state or wholly or in part with the society as provided in and in 2740
conformity to appropriate acts and resolves of the general 2741
assembly, and leasing for renewable periods of two years or less, 2742
with the advice and consent of the attorney general and the 2743
director of administrative services, lands and buildings owned by 2744

the state which are in the care, custody, and control of the 2745
society, all of which shall be maintained and kept for public use 2746
at reasonable hours; 2747

(B) Making alterations and improvements, marking, and 2748
constructing, reconstructing, protecting, or restoring structures, 2749
earthworks, and monuments in its care, and equipping such 2750
facilities with appropriate educational maintenance facilities; 2751

(C) Serving as the archives administration for the state and 2752
its political subdivisions as provided in sections 149.31 to 2753
149.42 of the Revised Code; 2754

(D) Administering a state historical museum, to be the 2755
headquarters of the society and its principal museum and library, 2756
which shall be maintained and kept for public use at reasonable 2757
hours; 2758

(E) Establishing a marking system to identify all designated 2759
historic and archaeological sites within the state and marking or 2760
causing to be marked historic sites and communities considered by 2761
the society to be historically or archaeologically significant; 2762

(F) Publishing books, pamphlets, periodicals, and other 2763
publications about history, archaeology, and natural science and 2764
offering one copy of each regular periodical issue to all public 2765
libraries in this state at a reasonable price, which shall not 2766
exceed one hundred ten per cent more than the total cost of 2767
publication; 2768

(G) Engaging in research in history, archaeology, and natural 2769
science and providing historical information upon request to all 2770
state agencies; 2771

(H) Collecting, preserving, and making available by all 2772
appropriate means and under approved safeguards all manuscript, 2773
print, or near-print library collections and all historical 2774
objects, specimens, and artifacts which pertain to the history of 2775

Ohio and its people, including the following original documents:	2776
Ohio Constitution of 1802; Ohio Constitution of 1851; proposed	2777
Ohio Constitution of 1875; design and the letters of patent and	2778
assignment of patent for the state flag; S.J.R. 13 (1873); S.J.R.	2779
53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); H.J.R. 73 (1883);	2780
S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 (1902); S.J.R. 28	2781
(1902); H.J.R. 39 (1902); S.J.R. 23 (1903); H.J.R. 19 (1904);	2782
S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 (1917); petition	2783
form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 (1923); H.J.R. 40	2784
(1923); H.J.R. 8 (1929); H.J.R. 20 (1929); S.J.R. 4 (1933);	2785
petition form (2) (1933); S.J.R. 57 (1936); petition form (1936);	2786
H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 8 (1944); S.J.R. 6	2787
(1947); petition form (1947); H.J.R. 24 (1947); and H.J.R. 48	2788
(1947);	2789
(I) Encouraging and promoting the organization and	2790
development of county and local historical societies;	2791
(J) Providing to Ohio schools such materials as the society	2792
may prepare to facilitate the instruction of Ohio history at a	2793
reasonable price, which shall not exceed one hundred ten per cent	2794
more than the total cost of preparation and delivery;	2795
(K) Providing advisory and technical assistance to local	2796
societies for the preservation and restoration of historic and	2797
archaeological sites;	2798
(L) Devising uniform criteria for the designation of historic	2799
and archaeological sites throughout the state and advising local	2800
historical societies of the criteria and their application;	2801
(M) Taking inventory, in cooperation with the Ohio arts	2802
council, the Ohio archaeological council, and the archaeological	2803
society of Ohio, of significant designated and undesignated state	2804
and local sites and keeping an active registry of all designated	2805
sites within the state;	2806

(N) Contracting with the owners or persons having an interest 2807
in designated historic or archaeological sites or property 2808
adjacent or contiguous to those sites, or acquiring, by purchase, 2809
gift, or devise, easements in those sites or in property adjacent 2810
or contiguous to those sites, in order to control or restrict the 2811
use of those historic or archaeological sites or adjacent or 2812
contiguous property for the purpose of restoring or preserving the 2813
historical or archaeological significance or educational value of 2814
those sites; 2815

(O) Constructing a monument honoring Governor James A. 2816
Rhodes, which shall stand on the northeast quadrant of the grounds 2817
surrounding the capitol building. The monument shall be 2818
constructed with private funds donated to the Ohio historical 2819
society and designated for this purpose. No public funds shall be 2820
expended to construct this monument. The department of 2821
administrative services shall cooperate with the Ohio historical 2822
society in carrying out this function and shall maintain the 2823
monument in a manner compatible with the grounds of the capitol 2824
building. 2825

(P) Commissioning a portrait of each departing governor, 2826
which shall be displayed in the capitol building. The Ohio 2827
historical society may accept private contributions designated for 2828
this purpose and, at the discretion of its board of trustees, also 2829
may apply for the same purpose funds appropriated by the general 2830
assembly to the society pursuant to this section. 2831

~~(Q) Planning and developing a center at the capitol building 2832
for the purpose of educating visitors about the history of Ohio, 2833
including its political, economic, and social development and the 2834
design and erection of the capitol building and its grounds. The 2835
Ohio historical society may accept contributions of private moneys 2836
and in kind services designated for this purpose and may, at the 2837
discretion of its board of trustees, also apply, for the same 2838~~

~~purpose, personnel and other resources paid in whole or in part by
its state subsidy.~~ 2839
2840

(R) Submitting an annual report of its activities, programs, 2841
and operations to the governor within two months after the close 2842
of each fiscal year of the state. 2843

The society shall not sell, mortgage, transfer, or dispose of 2844
historical or archaeological sites to which it has title and in 2845
which the state has monetary interest except by action of the 2846
general assembly. 2847

In consideration of the public functions performed by the 2848
Ohio historical society for the state, employees of the society 2849
shall be considered public employees within the meaning of section 2850
145.01 of the Revised Code. 2851

Sec. 156.02. The director of administrative services may 2852
contract with ~~the office of energy efficiency in the department of~~ 2853
~~development~~ an energy services company, contractor, architect, 2854
professional engineer, or other person experienced in the design 2855
and implementation of energy conservation measures for a report 2856
containing an analysis and recommendations pertaining to the 2857
implementation of energy conservation measures that would 2858
significantly reduce energy consumption and operating costs in any 2859
buildings owned by the state and, upon request of its board of 2860
trustees or managing authority, any building owned by an 2861
institution of higher education as defined in section 3345.12 of 2862
the Revised Code. The report shall include estimates of all costs 2863
of such measures, including the costs of design, engineering, 2864
installation, maintenance, repairs, and debt service, and 2865
estimates of the amounts by which energy consumption and operating 2866
costs would be reduced. 2867

Sec. 165.01. As used in this chapter: 2868

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

(B) "Bonds" means bonds, notes, or other forms of evidences of obligation issued in temporary or definitive form, including notes issued in anticipation of the issuance of bonds and renewal notes. The funding of bond anticipation notes with bonds or renewal notes and the exchange of definitive bonds for temporary bonds are not subject to section 165.07 of the Revised Code.

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

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

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

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

(G) "Pledged facilities" means the project or projects

mortgaged or the rentals, revenues, and other income, charges, and 2900
moneys from which are pledged, or both, for the payment of the 2901
principal of and interest on the bonds issued under authority of 2902
section 165.03 of the Revised Code, and includes a project for 2903
which a loan has been made under authority of this chapter, in 2904
which case, references in this chapter to revenues of such pledged 2905
facilities or from the disposition thereof includes payments made 2906
or to be made to or for the account of the issuer pursuant to such 2907
loan. 2908

(H) "Project" means real or personal property, or both, 2909
including undivided and other interests therein, acquired by gift 2910
or purchase, constructed, reconstructed, enlarged, improved, 2911
furnished, or equipped, or any combination thereof, by an issuer, 2912
or by others in whole or in part from the proceeds of a loan made 2913
by an issuer, for industry, commerce, distribution, or research 2914
and located within the boundaries of the issuer. "Project" 2915
includes sanitary facilities, drainage facilities, and prevention 2916
or replacement facilities as defined in section 6117.01 of the 2917
Revised Code. A project as defined in this division is hereby 2918
determined to qualify as facilities described in Section 13 of 2919
Article VIII, Ohio Constitution. 2920

(I) "Revenues" means the rentals, revenues, payments, 2921
repayments, income, charges, and moneys derived or to be derived 2922
from the use, lease, sublease, rental, sale, including installment 2923
sale or conditional sale, or other disposition of pledged 2924
facilities, or derived or to be derived pursuant to a loan made 2925
for a project, bond proceeds to the extent provided in the bond 2926
proceedings for the payment of principal of, or premium, if any, 2927
or interest on the bonds, proceeds from any insurance, 2928
condemnation or guaranty pertaining to pledged facilities or the 2929
financing thereof, and income and profit from the investment of 2930
the proceeds of bonds or of any revenues. 2931

(J) "Security interest" means a mortgage, lien, or other encumbrance on, or pledge or assignment of, or other security interest with respect to all or any part of pledged facilities, revenues, reserve funds, or other funds established under the bond proceedings, or on, of, or with respect to, a lease, sublease, sale, conditional sale or installment sale agreement, loan agreement, or any other agreement pertaining to the lease, sublease, sale, or other disposition of a project or pertaining to a loan made for a project, or any guaranty or insurance agreement made with respect thereto, or any interest of the issuer therein, or any other interest granted, assigned, or released to secure payments of the principal of, premium, if any, or interest on any bonds or to secure any other payments to be made by an issuer under the bond proceedings. Any security interest under this chapter may be prior or subordinate to or on a parity with any other mortgage, lien, encumbrance, pledge, assignment, or other security interest.

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

in accordance with their terms. 2964

The principal of and interest on the bonds and all other 2965
payments required to be made by the bond proceedings shall be 2966
payable solely from the revenues and secured by security interests 2967
as provided in such bond proceedings. Bond anticipation notes may 2968
be secured, solely or additionally, by a covenant of the issuer 2969
that it will do all things necessary for the issuance of the bonds 2970
anticipated or renewal notes in appropriate amount and either 2971
exchange such bonds or renewal notes for such notes or apply the 2972
proceeds therefrom to the extent necessary to make full payment of 2973
the principal of and interest on such notes. The bond proceedings 2974
shall not obligate or pledge moneys raised by taxation. 2975

Bonds may be issued at one time or from time to time, shall 2976
be dated, shall mature at such time or times not exceeding thirty 2977
years from date of issue, and may be redeemable before maturity at 2978
such price or prices and under such terms and conditions, all as 2979
provided in the bond proceedings. The bonds shall bear interest at 2980
such rate or rates, or at a variable rate or rates changing from 2981
time to time in accordance with a base or formula, as provided in 2982
or authorized by the bond proceedings. The issuing authority shall 2983
determine the form of the bonds, fix their denominations and 2984
method of execution, and establish within or without the state a 2985
place or places for the payment of principal or interest. 2986

(B) The issuing authority may provide for sales of bonds at 2987
public or private sale as it deems most advantageous and for such 2988
prices, whether above or below the par value thereof, as it 2989
determines or within such limit or limits as it determines. 2990

(C) If the issuer is a county or municipal corporation, then, 2991
prior to the delivery of bonds issued under authority of this 2992
section, the issuing authority shall first have received from its 2993
agency a certification that a project to be financed by the 2994
issuance of such bonds is in accordance with the plan, except that 2995

no such certification is necessary if the project is a sanitary facility, drainage facility, or prevention or replacement facility as defined in section 6117.01 of the Revised Code. If the state is the issuer, then prior to the authorization of the bonds, the issuing authority of the state shall have received a written request for the issuance of the bonds from either the board of directors of a port authority created pursuant to the authority of section 4582.02 of the Revised Code if the project is within the jurisdiction of the port authority or from the issuing authority of the municipal corporation, if the project is within the boundaries of a municipal corporation, or of the county, if the project is within the unincorporated portion of the county, and if the project is to be located within a municipal corporation with a plan or in an unincorporated portion of the county with a plan, then prior to the delivery of bonds issued under this section, the issuing authority shall first have received from the agency of the municipal corporation if within its limits, or from the agency of the county if in unincorporated territory, a certification that such project is in accordance with its plan, except that no such certification is necessary if the request for issuance of the bonds is made by the port authority.

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

(E) In case any officer who has signed any bonds or coupons pertaining thereto, or caused ~~his~~ the officer's facsimile signature to be affixed thereto, ceases to be such officer before

such bonds or coupons have been delivered, such bonds or coupons 3028
may, nevertheless, be issued and delivered as though the person 3029
who had signed the bonds or coupons or caused ~~his~~ the person's 3030
facsimile signature to be affixed thereto had not ceased to be 3031
such officer. Any bonds or coupons may be executed on behalf of 3032
the issuer by an officer who, on the date of execution, is the 3033
proper officer although on the date of such bonds or coupons such 3034
person was not the proper officer. 3035

(F) All bonds issued under authority of this chapter, 3036
regardless of form or terms and regardless of any other law to the 3037
contrary, shall have all qualities and incidents of negotiable 3038
instruments, subject to provisions for registration, and may be 3039
issued in coupon, fully registered, or other form, or any 3040
combination thereof, as the issuing authority determines. 3041
Provision may be made for the registration of any coupon bonds as 3042
to principal alone or as to both principal and interest, and for 3043
the conversion into coupon bonds of any fully registered bonds or 3044
bonds registered as to both principal and interest. 3045

Sec. 303.12. (A)(1) Amendments to the zoning resolution may 3046
be initiated by motion of the county rural zoning commission, by 3047
the passage of a resolution by the board of county commissioners, 3048
or by the filing of an application by one or more of the owners or 3049
lessees of property within the area proposed to be changed or 3050
affected by the proposed amendment with the county rural zoning 3051
commission. The board of county commissioners may require that the 3052
owner or lessee of property filing an application to amend the 3053
zoning resolution pay a fee to defray the cost of advertising, 3054
mailing, filing with the county recorder, and other expenses. If 3055
the board of county commissioners requires such a fee, it shall be 3056
required generally, for each application. The board of county 3057
commissioners, upon the passage of such a resolution, shall 3058
certify it to the county rural zoning commission. 3059

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

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

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

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

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

(3) A list of the addresses of all properties to be rezoned 3092
or redistricted by the proposed amendment and of the names of 3093
owners of these properties, as they appear on the county auditor's 3094
current tax list; 3095

(4) The present zoning classification of property named in 3096
the proposed amendment and the proposed zoning classification of 3097
that property; 3098

(5) The time and place where the motion, resolution, or 3099
application proposing to amend the zoning resolution will be 3100
available for examination for a period of at least ten days prior 3101
to the hearing; 3102

(6) The name of the person responsible for giving notice of 3103
the public hearing by publication, by mail, or by both publication 3104
and mail; 3105

(7) A statement that, after the conclusion of the hearing, 3106
the matter will be submitted to the board of county commissioners 3107
for its action; 3108

(8) Any other information requested by the commission. 3109

(D) If the proposed amendment alters the text of the zoning 3110
resolution, or rezones or redistricts more than ten parcels of 3111
land as listed on the county auditor's current tax list, the 3112
published notice shall set forth the time, date, and place of the 3113
public hearing and include all of the following: 3114

(1) The name of the county rural zoning commission that will 3115
be conducting the hearing on the proposed amendment; 3116

(2) A statement indicating that the motion, application, or 3117
resolution is an amendment to the zoning resolution; 3118

(3) The time and place where the text and maps of the 3119
proposed amendment will be available for examination for a period 3120
of at least ten days prior to the hearing; 3121

(4) The name of the person responsible for giving notice of 3122
the hearing by publication; 3123

(5) A statement that, after the conclusion of the hearing, 3124
the matter will be submitted to the board of county commissioners 3125
for its action; 3126

(6) Any other information requested by the commission. 3127

Hearings shall be held in the county court house or in a 3128
public place designated by the commission. 3129

(E) Within five days after the adoption of the motion 3130
described in division (A) of this section, the certification of 3131
the resolution described in division (A) of this section, or the 3132
filing of the application described in division (A) of this 3133
section, the county rural zoning commission shall transmit a copy 3134
of it together with text and map pertaining to it to the county or 3135
regional planning commission, if there is such a commission. 3136

The county or regional planning commission shall recommend 3137
the approval or denial of the proposed amendment or the approval 3138
of some modification of it and shall submit its recommendation to 3139
the county rural zoning commission. The recommendation shall be 3140
considered at the public hearing held by the county rural zoning 3141
commission on the proposed amendment. 3142

The county rural zoning commission, within thirty days after 3143
the hearing, shall recommend the approval or denial of the 3144
proposed amendment, or the approval of some modification of it, 3145
and shall submit that recommendation together with the motion, 3146
application, or resolution involved, the text and map pertaining 3147
to the proposed amendment, and the recommendation of the county or 3148
regional planning commission on it to the board of county 3149
commissioners. 3150

The board of county commissioners, upon receipt of that 3151
recommendation, shall set a time for a public hearing on the 3152

proposed amendment, which date shall be not more than thirty days 3153
from the date of the receipt of that recommendation. Notice of the 3154
hearing shall be given by the board by one publication in one or 3155
more newspapers of general circulation in the county, at least ten 3156
days before the date of the hearing. 3157

(F) If the proposed amendment intends to rezone or redistrict 3158
ten or fewer parcels of land as listed on the county auditor's 3159
current tax list, the published notice shall set forth the time, 3160
date, and place of the public hearing and include all of the 3161
following: 3162

(1) The name of the board of county commissioners that will 3163
be conducting the hearing; 3164

(2) A statement indicating that the motion, application, or 3165
resolution is an amendment to the zoning resolution; 3166

(3) A list of the addresses of all properties to be rezoned 3167
or redistricted by the proposed amendment and of the names of 3168
owners of those properties, as they appear on the county auditor's 3169
current tax list; 3170

(4) The present zoning classification of property named in 3171
the proposed amendment and the proposed zoning classification of 3172
that property; 3173

(5) The time and place where the motion, application, or 3174
resolution proposing to amend the zoning resolution will be 3175
available for examination for a period of at least ten days prior 3176
to the hearing; 3177

(6) The name of the person responsible for giving notice of 3178
the hearing by publication, by mail, or by both publication and 3179
mail; 3180

(7) Any other information requested by the board. 3181

(G) If the proposed amendment alters the text of the zoning 3182

resolution, or rezones or redistricts more than ten parcels of 3183
land as listed on the county auditor's current tax list, the 3184
published notice shall set forth the time, date, and place of the 3185
public hearing and include all of the following: 3186

(1) The name of the board of county commissioners that will 3187
be conducting the hearing on the proposed amendment; 3188

(2) A statement indicating that the motion, application, or 3189
resolution is an amendment to the zoning resolution; 3190

(3) The time and place where the text and maps of the 3191
proposed amendment will be available for examination for a period 3192
of at least ten days prior to the hearing; 3193

(4) The name of the person responsible for giving notice of 3194
the hearing by publication; 3195

(5) Any other information requested by the board. 3196

(H) Within twenty days after its public hearing, the board of 3197
county commissioners shall either adopt or deny the recommendation 3198
of the county rural zoning commission or adopt some modification 3199
of it. If the board denies or modifies the commission's 3200
recommendation, ~~the unanimous~~ a majority vote of the board shall 3201
be required. 3202

The proposed amendment, if adopted by the board, shall become 3203
effective in thirty days after the date of its adoption, unless, 3204
within thirty days after the adoption, there is presented to the 3205
board of county commissioners a petition, signed by a number of 3206
qualified voters residing in the unincorporated area of the 3207
township or part of that unincorporated area included in the 3208
zoning plan equal to not less than eight per cent of the total 3209
vote cast for all candidates for governor in that area at the most 3210
recent general election at which a governor was elected, 3211
requesting the board to submit the amendment to the electors of 3212
that area for approval or rejection at a special election to be 3213

held on the day of the next primary or general election. Each part 3214
of this petition shall contain the number and the full and correct 3215
title, if any, of the zoning amendment resolution, motion, or 3216
application, furnishing the name by which the amendment is known 3217
and a brief summary of its contents. In addition to meeting the 3218
requirements of this section, each petition shall be governed by 3219
the rules specified in section 3501.38 of the Revised Code. 3220

The form of a petition calling for a zoning referendum and 3221
the statement of the circulator shall be substantially as follows: 3222

"PETITION FOR ZONING REFERENDUM 3223

(if the proposal is identified by a particular name or number, or 3224
both, these should be inserted here) 3225

A proposal to amend the zoning map of the unincorporated area 3226
of Township, County, Ohio, 3227
adopted (date) (followed by brief summary of 3228
the proposal). 3229

To the Board of County Commissioners of 3230
County, Ohio: 3231

We, the undersigned, being electors residing in the 3232
unincorporated area of Township, included within 3233
the County Zoning Plan, equal to not less than 3234
eight per cent of the total vote cast for all candidates for 3235
governor in the area at the preceding general election at which a 3236
governor was elected, request the Board of County Commissioners to 3237
submit this amendment of the zoning resolution to the electors of 3238
..... Township residing within the unincorporated area of 3239
the township included in the County Zoning 3240
Resolution, for approval or rejection at a special election to be 3241
held on the day of the next primary or general election to be held 3242
on(date)....., pursuant to section 303.12 of the 3243
Revised Code. 3244

Street Address	Date of	3245
Signature or R.F.D. Township Precinct County	Signing	3246
.....		3247
.....		3248
STATEMENT OF CIRCULATOR		3249
I, .....(name of circulator).....,		3250
declare under penalty of election falsification that I am an		3251
elector of the state of Ohio and reside at the address appearing		3252
below my signature; that I am the circulator of the foregoing part		3253
petition containing .....(number)..... signatures; that I have		3254
witnessed the affixing of every signature; that all signers were		3255
to the best of my knowledge and belief qualified to sign; and that		3256
every signature is to the best of my knowledge and belief the		3257
signature of the person whose signature it purports to be or of an		3258
attorney in fact acting pursuant to section 3501.382 of the		3259
Revised Code.		3260
.....		3261
(Signature of circulator)		3262
.....		3263
(Address of circulator's permanent		3264
residence in this state)		3265
.....		3266
(City, village, or township,		3267
and zip code)		3268
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY		3269
OF THE FIFTH DEGREE."		3270
No amendment for which such a referendum vote has been		3271
requested shall be put into effect unless a majority of the vote		3272
cast on the issue is in favor of the amendment. Upon certification		3273
by the board of elections that the amendment has been approved by		3274
the voters, it shall take immediate effect.		3275

Within five working days after an amendment's effective date, 3276
the board of county commissioners shall file the text and maps of 3277
the amendment in the office of the county recorder and with the 3278
regional or county planning commission, if one exists. 3279

The failure to file any amendment, or any text and maps, or 3280
duplicates of any of these documents, with the office of the 3281
county recorder or the county or regional planning commission as 3282
required by this section does not invalidate the amendment and is 3283
not grounds for an appeal of any decision of the board of zoning 3284
appeals. 3285

Sec. 303.211. (A) Except as otherwise provided in division 3286
(B) or (C) of this section, sections 303.01 to 303.25 of the 3287
Revised Code do not confer any power on any board of county 3288
commissioners or board of zoning appeals in respect to the 3289
location, erection, construction, reconstruction, change, 3290
alteration, maintenance, removal, use, or enlargement of any 3291
buildings or structures of any public utility or railroad, whether 3292
publicly or privately owned, or the use of land by any public 3293
utility or railroad for the operation of its business. As used in 3294
this division, "public utility" does not include a person that 3295
owns or operates a solid waste facility or a solid waste transfer 3296
facility, other than a publicly owned solid waste facility or a 3297
publicly owned solid waste transfer facility, that has been issued 3298
a permit under Chapter 3734. of the Revised Code or a construction 3299
and demolition debris facility that has been issued a permit under 3300
Chapter 3714. of the Revised Code. 3301

(B)(1) As used in this division, "telecommunications tower" 3302
means any free-standing structure, or any structure to be attached 3303
to a building or other structure, that meets all of the following 3304
criteria: 3305

(a) The free-standing or attached structure is proposed to be 3306

constructed on or after October 31, 1996. 3307

(b) The free-standing or attached structure is proposed to be 3308
owned or principally used by a public utility engaged in the 3309
provision of telecommunications services. 3310

(c) The free-standing or attached structure is proposed to be 3311
located in an unincorporated area of a township, in an area zoned 3312
for residential use. 3313

(d)(i) The free-standing structure is proposed to top at a 3314
height that is greater than either the maximum allowable height of 3315
residential structures within the zoned area as set forth in the 3316
applicable zoning regulations, or the maximum allowable height of 3317
such a free-standing structure as set forth in any applicable 3318
zoning regulations in effect immediately prior to October 31, 3319
1996, or as those regulations subsequently are amended. 3320

(ii) The attached structure is proposed to top at a height 3321
that is greater than either the height of the building or other 3322
structure to which it is to be attached, or the maximum allowable 3323
height of such an attached structure as set forth in any 3324
applicable zoning regulations in effect immediately prior to 3325
October 31, 1996, or as those regulations subsequently are 3326
amended. 3327

(e) The free-standing or attached structure is proposed to 3328
have attached to it radio frequency transmission or reception 3329
equipment. 3330

(2) Sections 303.01 to 303.25 of the Revised Code confer 3331
power on a board of county commissioners or board of zoning 3332
appeals with respect to the location, erection, construction, 3333
reconstruction, change, alteration, removal, or enlargement of a 3334
telecommunications tower, but not with respect to the maintenance 3335
or use of such a tower or any change or alteration that would not 3336
substantially increase the tower's height. However, the power so 3337

conferred shall apply to a particular telecommunications tower 3338
only upon the provision of a notice, in accordance with division 3339
(B)(4)(a) of this section, to the person proposing to construct 3340
the tower. 3341

(3) Any person who plans to construct a telecommunications 3342
tower in an area subject to county zoning regulations shall 3343
provide both of the following by certified mail: 3344

(a) Written notice to the board of township trustees of the 3345
township in which the tower is proposed to be constructed and to 3346
each owner of property, as shown on the county auditor's current 3347
tax list, whose land is contiguous to or directly across a street 3348
or roadway from the property on which the tower is proposed to be 3349
constructed, stating all of the following in clear and concise 3350
language: 3351

(i) The person's intent to construct the tower; 3352

(ii) A description of the property sufficient to identify the 3353
proposed location; 3354

(iii) That, no later than fifteen days after the date of 3355
mailing of the notice, such board of township trustees or any such 3356
property owner may give written notice to the board of county 3357
commissioners requesting that sections 303.01 to 303.25 of the 3358
Revised Code apply to the proposed location of the tower as 3359
provided under division (B)(4)(a) of this section. 3360

If the notice to the board of township trustees or to a 3361
property owner is returned unclaimed or refused, the person shall 3362
mail the notice by regular mail. The failure of delivery of the 3363
notice does not invalidate the notice. 3364

(b) Written notice to the board of county commissioners of 3365
the information specified in divisions (B)(3)(a)(i) and (ii) of 3366
this section. The notice to the board also shall include 3367
verification that the person has complied with division (B)(3)(a) 3368

of this section. 3369

(4)(a) If the board of county commissioners receives notice 3370
from the board of township trustees or a property owner under 3371
division (B)(3)(a)(iii) of this section within the time specified 3372
in that division or if a member of the board of county 3373
commissioners makes an objection to the proposed location of the 3374
telecommunications tower within fifteen days after the date of 3375
mailing of the notice sent under division (B)(3)(b) of this 3376
section, the board of county commissioners shall send the person 3377
proposing to construct the tower written notice that the tower is 3378
subject to the power conferred by and in accordance with division 3379
(B)(2) of this section. The notice shall be sent no later than 3380
five days after the earlier of the date the board first receives 3381
such a notice from the board of township trustees or a property 3382
owner or the date upon which a member of the board of county 3383
commissioners makes an objection. Upon the date of mailing of the 3384
notice to the person, sections 303.01 to 303.25 of the Revised 3385
Code shall apply to the tower. 3386

(b) If the board of county commissioners receives no notice 3387
under division (B)(3)(a)(iii) of this section within the time 3388
prescribed by that division or no board member has an objection as 3389
provided under division (B)(4)(a) of this section within the time 3390
prescribed by that division, division (A) of this section shall 3391
apply to the tower without exception. 3392

(C) Sections 303.01 to 303.25 of the Revised Code confer 3393
power on a board of county commissioners or board of zoning 3394
appeals with respect to the location, erection, construction, 3395
reconstruction, change, alteration, maintenance, removal, use, or 3396
enlargement of any buildings or structures of a public utility 3397
engaged in the business of transporting persons or property, or 3398
both, or providing or furnishing such transportation service, over 3399
any public street, road, or highway in this state, and with 3400

respect to the use of land by any such public utility for the 3401
operation of its business, to the extent that any exercise of such 3402
power is reasonable and not inconsistent with Chapters 4901., 3403
4903., 4905., 4909., 4921., and 4923. of the Revised Code. 3404
However, this division confers no power on a board of county 3405
commissioners or board of zoning appeals with respect to a 3406
building or structure of, or the use of land by, a person engaged 3407
in the transportation of farm supplies to the farm or farm 3408
products from farm to market or to food fabricating plants. 3409

(D) Sections 303.01 to 303.25 of the Revised Code confer no 3410
power on any county rural zoning commission, board of county 3411
commissioners, or board of zoning appeals to prohibit the sale or 3412
use of alcoholic beverages in areas where the establishment and 3413
operation of any retail business, hotel, lunchroom, or restaurant 3414
is permitted. 3415

(E)(1) Any person who plans to construct a telecommunications 3416
tower within one hundred feet of a residential dwelling shall 3417
provide a written notice to the owner of the residential dwelling 3418
and to the person occupying the residence, if that person is not 3419
the owner of the residence, stating in clear and concise language 3420
the person's intent to construct the tower and a description of 3421
the property sufficient to identify the proposed location. The 3422
notice shall be sent by certified mail. If the notice is returned 3423
unclaimed or refused, the person shall mail the notice by regular 3424
mail. The failure of delivery does not invalidate the notice. 3425

(2) As used in division (E) of this section: 3426

(a) "Residential dwelling" means a building used or intended 3427
to be used as a personal residence by the owner, part-time owner, 3428
or lessee of the building, or any person authorized by such a 3429
person to use the building as a personal residence. 3430

(b) "Telecommunications tower" has the same meaning as in 3431

division (B)(1) of this section, except that the proposed location 3432
of the free-standing or attached structure may be an area other 3433
than an unincorporated area of a township, in an area zoned for 3434
residential use. 3435

Sec. 303.213. (A) As used in this section, "small wind farm" 3436
means wind turbines and associated facilities that are 3437
interconnected with a medium voltage power collection system and 3438
communications network and are designed for, or capable of, 3439
operation at an aggregate capacity of less than five megawatts. 3440

(B) Notwithstanding division (A) of section 303.211 of the 3441
Revised Code, sections 303.01 to 303.25 of the Revised Code confer 3442
power on a board of county commissioners or board of zoning 3443
appeals to adopt zoning regulations governing the location, 3444
erection, construction, reconstruction, change, alteration, 3445
maintenance, removal, use, or enlargement of any small wind farm, 3446
whether publicly or privately owned, or the use of land for that 3447
purpose, which regulations may be more strict than the regulations 3448
prescribed in rules adopted under division (C)(2) of section 3449
4906.20 of the Revised Code. 3450

(C) The designation under this section of a small wind farm 3451
as a public utility for purposes of sections 303.01 to 303.25 of 3452
the Revised Code shall not affect the classification of a small 3453
wind farm for purposes of state or local taxation. 3454

(D) Nothing in division (C) of this section shall be 3455
construed as affecting the classification of a telecommunications 3456
tower as defined in division (B) or (E) of section 303.211 of the 3457
Revised Code or any other public utility for purposes of state and 3458
local taxation. 3459

Sec. 306.43. (A) The board of trustees of a regional transit 3460
authority or any officer or employee designated by such board may 3461

make any contract for the purchase of goods or services, the cost 3462
of which does not exceed ~~twenty-five~~ one hundred thousand dollars. 3463
When an expenditure, other than for the acquisition of real 3464
estate, the discharge of claims, or the acquisition of goods or 3465
services under the circumstances described in division (H) of this 3466
section, is expected to exceed ~~twenty-five~~ one hundred thousand 3467
dollars, such expenditure shall be made through full and open 3468
competition by the use of competitive procedures. The regional 3469
transit authority shall use the competitive procedure, as set 3470
forth in divisions (B), (C), (D), and (E) of this section, that is 3471
most appropriate under the circumstances of the procurement. 3472

(B) Competitive sealed bidding is the preferred method of 3474
procurement and a regional transit authority shall use that method 3475
if all of the following conditions exist: 3476

(1) A clear, complete and adequate description of the goods, 3477
services, or work is available; 3478

(2) Time permits the solicitation, submission, and evaluation 3479
of sealed bids; 3480

(3) The award will be made on the basis of price and other 3481
price-related factors; 3482

(4) It is not necessary to conduct discussions with 3483
responding offerors about their bids; 3484

(5) There is a reasonable expectation of receiving more than 3485
one sealed bid. 3486

A regional transit authority shall publish a notice calling 3487
for bids once a week for no less than two consecutive weeks in at 3488
least one newspaper of general circulation within the territorial 3489
boundaries of the regional transit authority. A regional transit 3490
authority may require that a bidder for any contract other than a 3491
construction contract provide a bid guaranty in the form, quality, 3492

and amount considered appropriate by the regional transit 3493
authority. The board may let the contract to the lowest responsive 3494
and responsible bidder. Where fewer than two responsive bids are 3495
received, a regional transit authority may negotiate price with 3496
the sole responsive bidder or may rescind the solicitation and 3497
procure under division (H)(2) of this section. 3498

(C) A regional transit authority may use two-step competitive 3499
bidding, consisting of a technical proposal and a separate, 3500
subsequent sealed price bid from those submitting acceptable 3501
technical proposals, if both of the following conditions exist: 3502

(1) A clear, complete, and adequate description of the goods, 3503
services, or work is not available, but definite criteria exist 3504
for the evaluation of technical proposals; 3505

(2) It is necessary to conduct discussions with responding 3506
offerors. 3507

A regional transit authority shall publish a notice calling 3508
for technical proposals once a week for no less than two 3509
consecutive weeks in at least one newspaper of general circulation 3510
within the territorial boundaries of the regional transit 3511
authority. A regional transit authority may require a bid guaranty 3512
in the form, quality, and amount the regional transit authority 3513
considers appropriate. The board may let the contract to the 3514
lowest responsive and responsible bidder. Where fewer than two 3515
responsive and responsible bids are received, a regional transit 3516
authority may negotiate price with the sole responsive and 3517
responsible bidder or may rescind the solicitation and procure 3518
under division (H)(2) of this section. 3519

(D) A regional transit authority shall make a procurement by 3520
competitive proposals if competitive sealed bidding or two-step 3521
competitive bidding is not appropriate. 3522

A regional transit authority shall publish a notice calling 3523

for proposals once a week for no less than two consecutive weeks 3524
in at least one newspaper of general circulation within the 3525
territorial boundaries of the regional transit authority. A 3526
regional transit authority may require a proposal guaranty in the 3527
form, quality, and amount considered appropriate by the regional 3528
transit authority. The board may let the contract to the proposer 3529
making the offer considered most advantageous to the authority. 3530
Where fewer than two competent proposals are received, a regional 3531
transit authority may negotiate price and terms with the sole 3532
proposer or may rescind the solicitation and procure under 3533
division (H)(2) of this section. 3534

(E)(1) A regional transit authority shall procure the 3535
services of an architect or engineer in the manner prescribed by 3536
the "Federal Mass Transportation Act of 1987," Public Law No. 3537
100-17, section 316, 101 Stat. 227, 232-234, 49 U.S.C.A. app. 1608 3538
and the services of a construction manager in the manner 3539
prescribed by sections 9.33 to 9.332 of the Revised Code. 3540

(2) A regional transit authority may procure revenue rolling 3541
stock in the manner prescribed by division (B), (C), or (D) of 3542
this section. 3543

(3) All contracts for construction in excess of ~~twenty-five~~ 3544
one hundred thousand dollars shall be made only after the regional 3545
transit authority has published a notice calling for bids once a 3546
week for two consecutive weeks in at least one newspaper of 3547
general circulation within the territorial boundaries of the 3548
regional transit authority. The board may award a contract to the 3549
lowest responsive and responsible bidder. Where only one 3550
responsive and responsible bid is received, the regional transit 3551
authority may negotiate price with the sole responsive bidder or 3552
may rescind the solicitation. The regional transit authority shall 3553
award construction contracts in accordance with sections 153.12 to 3554
153.14 and 153.54 of the Revised Code. Divisions (B) and (C) of 3555

this section shall not apply to the award of contracts for construction. 3556
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(F) All contracts involving expenditures in excess of ~~twenty-five~~ one hundred thousand dollars shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done. The plans and specifications shall at all times be made and considered part of the contract. For all contracts other than construction contracts, a regional transit authority may require performance, payment, or maintenance guaranties or any combination of such guaranties in the form, quality, and amount it considers appropriate. The contract shall be approved by the board and signed on behalf of the regional transit authority and by the contractor. 3558
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(G) In making a contract, a regional transit authority may give preference to goods produced in the United States in accordance with the Buy America requirements in the "Surface Transportation Assistance Act of 1982," Public Law No. 97-424, section 165, 96 Stat. 2097, 23 U.S.C.A. 101 note, as amended, and the rules adopted thereunder. The regional transit authority also may give preference to providers of goods produced in and services provided in labor surplus areas as defined by the United States department of labor in 41 U.S.C.A. 401 note, Executive Order No. 12073, August 16, 1978, 43 Fed. Reg. 36873, as amended. 3569
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(H) Competitive procedures under this section are not required in any of the following circumstances: 3579
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(1) The board of trustees of a regional transit authority, by a two-thirds affirmative vote of its members, determines that a real and present emergency exists under any of the following conditions, and the board enters its determination and the reasons for it in its proceedings: 3581
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(a) Affecting safety, welfare, or the ability to deliver 3586

transportation services;	3587
(b) Arising out of an interruption of contracts essential to the provision of daily transit services;	3588 3589
(c) Involving actual physical damage to structures, supplies, equipment, or property.	3590 3591
(2) The purchase consists of goods or services, or any combination thereof, and after reasonable inquiry the board or any officer or employee the board designates finds that only one source of supply is reasonably available.	3592 3593 3594 3595
(3) The expenditure is for a renewal or renegotiation of a lease or license for telecommunications or electronic data processing equipment, services, or systems, or for the upgrade of such equipment, services, or systems, or for the maintenance thereof as supplied by the original source or its successors or assigns.	3596 3597 3598 3599 3600 3601
(4) The purchase of goods or services is made from another political subdivision, public agency, public transit system, regional transit authority, the state, or the federal government, or as a third-party beneficiary under a state or federal procurement contract, or as a participant in a department of administrative services contract under division (B) of section 125.04 of the Revised Code.	3602 3603 3604 3605 3606 3607 3608
(5) The sale and leaseback or lease and leaseback of transit facilities is made as provided in division (AA) of section 306.35 of the Revised Code.	3609 3610 3611
(6) The purchase substantially involves services of a personal, professional, highly technical, or scientific nature, including but not limited to the services of an attorney, physician, surveyor, appraiser, investigator, court reporter, adjuster, advertising consultant, or licensed broker, or involves the special skills or proprietary knowledge required for the	3612 3613 3614 3615 3616 3617

servicing of specialized equipment owned by the regional transit authority. 3618
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(7) Services or supplies are available from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code. 3620
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(8) The purchase consists of the product or services of a public utility. 3623
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(9) The purchase is for the services of individuals with disabilities to work in the authority's commissaries or cafeterias, and those individuals are supplied by a nonprofit corporation or association whose purpose is to assist individuals with disabilities, whether or not that corporation or association is funded entirely or in part by the federal government, or the purchase is for services provided by a nonprofit corporation or association whose purpose is to assist individuals with disabilities, whether or not that corporation or association is funded entirely or in part by the federal government. For purposes of division (H)(9) of this section, "disability" has the same meaning as in section 4112.01 of the Revised Code. 3625
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(I) A regional transit authority may enter into blanket purchase agreements for purchases of maintenance, operating, or repair goods or services where the item cost does not exceed five hundred dollars and the annual expenditure does not exceed ~~twenty-five~~ one hundred thousand dollars. 3637
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(J) Nothing contained in this section prohibits a regional transit authority from participating in intergovernmental cooperative purchasing arrangements. 3642
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(K) Except as otherwise provided in this chapter, a regional transit authority shall make a sale or other disposition of property through full and open competition. Except as provided in division (L) of this section, all dispositions of personal 3645
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property and all grants of real property for terms exceeding five 3649
years shall be made by public auction or competitive procedure. 3650

(L) The competitive procedures required by division (K) of 3651
this section are not required in any of the following 3652
circumstances: 3653

(1) The grant is a component of a joint development between 3654
public and private entities and is intended to enhance or benefit 3655
public transit. 3656

(2) The grant of a limited use or of a license affecting land 3657
is made to an owner of abutting real property. 3658

(3) The grant of a limited use is made to a public utility. 3659

(4) The grant or disposition is to a department of the 3660
federal or state government, to a political subdivision of the 3661
state, or to any other governmental entity. 3662

(5) Used equipment is traded on the purchase of equipment and 3663
the value of the used equipment is a price-related factor in the 3664
basis for award for the purchase. 3665

(6) The value of the personal property is such that 3666
competitive procedures are not appropriate and the property either 3667
is sold at its fair market value or is disposed of by gift to a 3668
nonprofit entity having the general welfare or education of the 3669
public as one of its principal objects. 3670

(M) The board of trustees of a regional transit authority, 3671
when making a contract funded exclusively by state or local moneys 3672
or any combination thereof, shall make a good faith effort to use 3673
disadvantaged business enterprise participation to the same extent 3674
required under Section 105(f) of the "Surface Transportation 3675
Assistance Act of 1982," Public Law No. 97-424, 96 Stat. 2100, and 3676
Section 106(c) of the "Surface Transportation and Uniform 3677
Relocation Assistance Act of 1987," Public Law No. 100-17, 101 3678

Stat. 145, and the rules adopted thereunder.	3679
(N) As used in this section:	3680
(1) "Goods" means all things, including specially	3681
manufactured goods, that are movable at the time of identification	3682
to the contract for sale other than the money in which the price	3683
is to be paid, investment securities, and things in action.	3684
"Goods" also includes other identified things attached to realty	3685
as described in section 1302.03 of the Revised Code.	3686
(2) "Services" means the furnishing of labor, time, or effort	3687
by a contractor, not involving the delivery of goods or reports	3688
other than goods or reports that are merely incidental to the	3689
required performance, including but not limited to insurance,	3690
bonding, or routine operation, routine repair, or routine	3691
maintenance of existing structures, buildings, real property, or	3692
equipment, but does not include employment agreements, collective	3693
bargaining agreements, or personal services.	3694
(3) "Construction" means the process of building, altering,	3695
repairing, improving, painting, decorating, or demolishing any	3696
structure or building, or other improvements of any kind to any	3697
real property owned or leased by a regional transit authority.	3698
(4) "Full and open competition" has the same meaning as in	3699
the "Office of Federal Procurement Policy Act," Public Law No.	3700
98-369, section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403.	3701
(5) A bidder is "responsive" if, applying the criteria of	3702
division (A) of section 9.312 of the Revised Code, the bidder is	3703
"responsive" as described in that section.	3704
(6) A bidder is "responsible" if, applying the criteria of	3705
division (A) of section 9.312 of the Revised Code and of the	3706
"Office of Federal Procurement Policy Act," Public Law No. 98-369,	3707
section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403, the bidder is	3708
"responsible" as described in those sections.	3709

Sec. 307.697. (A) For the purpose of section 307.696 of the Revised Code and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, or for those purposes and to provide revenues to the county for permanent improvements, the board of county commissioners of a county may levy a tax not to exceed three dollars on each gallon of spirituous liquor sold to or purchased by liquor permit holders for resale, and sold at retail by the division of liquor control, in the county. The tax shall be levied on the number of gallons so sold. The tax may be levied for any number of years not exceeding twenty.

The tax shall be levied pursuant to a resolution of the board of county commissioners approved by a majority of the electors in the county voting on the question of levying the tax, which resolution shall specify the rate of the tax, the number of years the tax will be levied, and the purposes for which the tax is levied. The election may be held on the date of a general 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 takes 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 division of liquor control at least sixty days prior to the date on which the tax is to become effective.

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

(C) The form of the ballot in an election held pursuant to 3741
this section or section 4301.421 or 5743.024 of the Revised Code 3742
shall be as follows or in any other form acceptable to the 3743
secretary of state: 3744

"For the purpose of paying not more than one-half of the 3745
costs of providing a public sports facility together with related 3746
redevelopment and economic development projects, shall (an) excise 3747
tax(es) be levied by county at the rate of 3748
(dollars on each gallon of spirituous liquor sold in the county by 3749
the Ohio division of liquor control, cents per gallon on the sale 3750
of beer at wholesale in the county, cents per gallon on the sale 3751
of wine and mixed beverages at wholesale in the county, cents per 3752
gallon on the sale of cider at wholesale in the county, or mills 3753
per cigarette on the sale of cigarettes at wholesale in the 3754
county), for years? 3755

	Yes	
	No	"

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For an election in which questions under this section or 3760
section 4301.421 or 5743.024 of the Revised Code are joined as a 3761
single question, the form of the ballot shall be as above, except 3762
each of the proposed taxes shall be listed. 3763

(D) The board of county commissioners of a county in which a 3764
tax is imposed under this section on July 19, 1995, may levy a tax 3765
for the purpose of section 307.673 of the Revised Code regardless 3766
of whether or not the cooperative agreement authorized under that 3767
section has been entered into prior to the day the resolution 3768
adopted under division (D)(1) or (2) of this section is adopted, 3769
and for the purpose of reimbursing a county for costs incurred in 3770
the construction of a sports facility pursuant to an agreement 3771

entered into by the county under section 307.696 of the Revised Code. The tax shall be levied and approved in one of the manners prescribed by division (D)(1) or (2) of this section.

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

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

..... (here insert the earliest date the tax would take 3804
effect)" shall be appended after "years." A board of county 3805
commissioners submitting the question of a tax under division 3806
(D)(2) of this section may submit the question of a tax under 3807
division (B)(2) of section 4301.421 or division (C)(2) of section 3808
5743.024 of the Revised Code as a single question, and the form of 3809
the ballot shall include each of the proposed taxes. 3810

If approved by a majority of electors voting on the question, 3811
the tax shall take effect on the day specified on the ballot, 3812
which shall not be earlier than the day following the last day the 3813
tax levied pursuant to divisions (A), (B), and (C) of this section 3814
may be levied. 3815

The rate of a tax levied pursuant to division (D)(1) or (2) 3816
of this section shall not exceed the rate specified in division 3817
(A) of this section. A tax levied pursuant to division (D)(1) or 3818
(2) of this section may be levied for any number of years not 3819
exceeding twenty. 3820

A board of county commissioners adopting a resolution under 3821
division (D)(1) or (2) of this section shall certify a copy of the 3822
resolution to the division of liquor control immediately upon 3823
adoption of the resolution. 3824

(E) No tax shall be levied under this section on or after the 3825
effective date of the amendment of this section by the capital 3826
appropriations act of the 127th general assembly. This division 3827
does not prevent the collection of any tax levied under this 3828
section before that date so long as that tax remains effective. 3829

Sec. 317.32. The county recorder shall charge and collect the 3830
following fees, to include base fees for the recorder's services 3831
and housing trust fund fees, collected pursuant to section 317.36 3832
of the Revised Code: 3833

(A) For recording and indexing an instrument when the	3834
photocopy or any similar process is employed, a base fee of	3835
fourteen dollars for the first two pages and a housing trust fund	3836
fee of fourteen dollars, and a base fee of four dollars and a	3837
housing trust fund fee of four dollars for each subsequent page,	3838
size eight and one-half inches by fourteen inches, or fraction of	3839
a page, including the caption page, of such instrument;	3840
(B) For certifying a photocopy from the record previously	3841
recorded, a base fee of one dollar and a housing trust fund fee of	3842
one dollar per page, size eight and one-half inches by fourteen	3843
inches, or fraction of a page; for each certification where the	3844
recorder's seal is required, except as to instruments issued by	3845
the armed forces of the United States, a base fee of fifty cents	3846
and a housing trust fund fee of fifty cents;	3847
(C) For manual or typewritten recording of assignment or	3848
satisfaction of mortgage or lease or any other marginal entry, a	3849
base fee of four dollars and a housing trust fund fee of four	3850
dollars;	3851
(D) For entering any marginal reference by separate recorded	3852
instrument, a base fee of two dollars and a housing trust fund fee	3853
of two dollars for each marginal reference set out in that	3854
instrument, in addition to the fees set forth in division (A) of	3855
this section;	3856
(E) For indexing in the real estate mortgage records,	3857
pursuant to section 1309.519 of the Revised Code, financing	3858
statements covering crops growing or to be grown, timber to be	3859
cut, minerals or the like, including oil and gas, accounts subject	3860
to section 1309.301 of the Revised Code, or fixture filings made	3861
pursuant to section 1309.334 of the Revised Code, a base fee of	3862
two dollars and a housing trust fund fee of two dollars for each	3863
name indexed;	3864

(F) For recording manually any plat not exceeding six lines, 3865
a base fee of two dollars and a housing trust fund fee of two 3866
dollars, and for each additional line, a base fee of ten cents and 3867
a housing trust fund fee of ten cents; 3868

(G) For filing zoning resolutions, including text and maps, 3869
in the office of the recorder as required under sections 303.11 3870
and 519.11 of the Revised Code, a base fee of ~~fifty~~ twenty-five 3871
dollars and a housing trust fund fee of ~~fifty~~ twenty-five dollars, 3872
regardless of the size or length of the resolutions; 3873

(H) For filing zoning amendments, including text and maps, in 3874
the office of the recorder as required under sections 303.12 and 3875
519.12 of the Revised Code, a base fee of ten dollars and a 3876
housing trust fund fee of ten dollars ~~for the first page and a~~ 3877
~~base fee of four dollars and a housing trust fund fee of four~~ 3878
~~dollars for each additional page~~ regardless of the size or length 3879
of the amendments; 3880

(I) For photocopying a document, other than at the time of 3881
recording and indexing as provided for in division (A) of this 3882
section, a base fee of one dollar and a housing trust fund fee of 3883
one dollar per page, size eight and one-half inches by fourteen 3884
inches, or fraction thereof; 3885

(J) For local facsimile transmission of a document, a base 3886
fee of one dollar and a housing trust fund fee of one dollar per 3887
page, size eight and one-half inches by fourteen inches, or 3888
fraction thereof; for long distance facsimile transmission of a 3889
document, a base fee of two dollars and a housing trust fund fee 3890
of two dollars per page, size eight and one-half inches by 3891
fourteen inches, or fraction thereof; 3892

(K) For recording a declaration executed pursuant to section 3893
2133.02 of the Revised Code or a durable power of attorney for 3894
health care executed pursuant to section 1337.12 of the Revised 3895

Code, or both a declaration and a durable power of attorney for 3896
health care, a base fee of at least fourteen dollars but not more 3897
than twenty dollars and a housing trust fund fee of at least 3898
fourteen dollars but not more than twenty dollars. 3899

In any county in which the recorder employs the photostatic 3900
or any similar process for recording maps, plats, or prints the 3901
recorder shall determine, charge, and collect for the recording or 3902
rerecording of any map, plat, or print, a base fee of five cents 3903
and a housing trust fund fee of five cents per square inch, for 3904
each square inch of the map, plat, or print filed for that 3905
recording or rerecording, with a minimum base fee of twenty 3906
dollars and a minimum housing trust fund fee of twenty dollars; 3907
for certifying a copy from the record, a base fee of two cents and 3908
a housing trust fund fee of two cents per square inch of the 3909
record, with a minimum base fee of two dollars and a minimum 3910
housing trust fund fee of two dollars. 3911

The fees provided in this section shall be paid upon the 3912
presentation of the instruments for record or upon the application 3913
for any certified copy of the record, except that the payment of 3914
fees associated with the filing and recording of, or the copying 3915
of, notices of internal revenue tax liens and notices of other 3916
liens in favor of the United States as described in division (A) 3917
of section 317.09 of the Revised Code and certificates of 3918
discharge or release of those liens, shall be governed by section 3919
317.09 of the Revised Code, and the payment of fees for providing 3920
copies of instruments conveying or extinguishing agricultural 3921
easements to the office of farmland preservation in the department 3922
of agriculture under division (H) of section 5301.691 of the 3923
Revised Code shall be governed by that division. 3924

Sec. 319.301. (A) This section does not apply to any of the 3925
following: 3926

(1) Taxes levied at whatever rate is required to produce a specified amount of tax money, including a tax levied under section <u>5705.199</u> or 5705.211 of the Revised Code, or an amount to pay debt charges;	3927 3928 3929 3930
(2) Taxes levied within the one per cent limitation imposed by Section 2 of Article XII, Ohio Constitution;	3931 3932
(3) Taxes provided for by the charter of a municipal corporation.	3933 3934
(B) As used in this section:	3935
(1) "Real property" includes real property owned by a railroad.	3936 3937
(2) "Carryover property" means all real property on the current year's tax list except:	3938 3939
(a) Land and improvements that were not taxed by the district in both the preceding year and the current year;	3940 3941
(b) Land and improvements that were not in the same class in both the preceding year and the current year.	3942 3943
(3) "Effective tax rate" means with respect to each class of property:	3944 3945
(a) The sum of the total taxes that would have been charged and payable for current expenses against real property in that class if each of the district's taxes were reduced for the current year under division (D)(1) of this section without regard to the application of division (E)(3) of this section divided by	3946 3947 3948 3949 3950
(b) The taxable value of all real property in that class.	3951
(4) "Taxes charged and payable" means the taxes charged and payable prior to any reduction required by section 319.302 of the Revised Code.	3952 3953 3954
(C) The tax commissioner shall make the determinations	3955

required by this section each year, without regard to whether a 3956
taxing district has territory in a county to which section 5715.24 3957
of the Revised Code applies for that year. Separate determinations 3958
shall be made for each of the two classes established pursuant to 3959
section 5713.041 of the Revised Code. 3960

(D) With respect to each tax authorized to be levied by each 3961
taxing district, the tax commissioner, annually, shall do both of 3962
the following: 3963

(1) Determine by what percentage, if any, the sums levied by 3964
such tax against the carryover property in each class would have 3965
to be reduced for the tax to levy the same number of dollars 3966
against such property in that class in the current year as were 3967
charged against such property by such tax in the preceding year 3968
subsequent to the reduction made under this section but before the 3969
reduction made under section 319.302 of the Revised Code. In the 3970
case of a tax levied for the first time that is not a renewal of 3971
an existing tax, the commissioner shall determine by what 3972
percentage the sums that would otherwise be levied by such tax 3973
against carryover property in each class would have to be reduced 3974
to equal the amount that would have been levied if the full rate 3975
thereof had been imposed against the total taxable value of such 3976
property in the preceding tax year. A tax or portion of a tax that 3977
is designated a replacement levy under section 5705.192 of the 3978
Revised Code is not a renewal of an existing tax for purposes of 3979
this division. 3980

(2) Certify each percentage determined in division (D)(1) of 3981
this section, as adjusted under division (E) of this section, and 3982
the class of property to which that percentage applies to the 3983
auditor of each county in which the district has territory. The 3984
auditor, after complying with section 319.30 of the Revised Code, 3985
shall reduce the sum to be levied by such tax against each parcel 3986
of real property in the district by the percentage so certified 3987

for its class. Certification shall be made by the first day of 3988
September except in the case of a tax levied for the first time, 3989
in which case certification shall be made within fifteen days of 3990
the date the county auditor submits the information necessary to 3991
make the required determination. 3992

(E)(1) As used in division (E)(2) of this section, "pre-1982 3993
joint vocational taxes" means, with respect to a class of 3994
property, the difference between the following amounts: 3995

(a) The taxes charged and payable in tax year 1981 against 3996
the property in that class for the current expenses of the joint 3997
vocational school district of which the school district is a part 3998
after making all reductions under this section; 3999

(b) The following percentage of the taxable value of all real 4000
property in that class: 4001

(i) In 1987, five one-hundredths of one per cent; 4002

(ii) In 1988, one-tenth of one per cent; 4003

(iii) In 1989, fifteen one-hundredths of one per cent; 4004

(iv) In 1990 and each subsequent year, two-tenths of one per 4005
cent. 4006

If the amount in division (E)(1)(b) of this section exceeds 4007
the amount in division (E)(1)(a) of this section, the pre-1982 4008
joint vocational taxes shall be zero. 4009

As used in divisions (E)(2) and (3) of this section, "taxes 4010
charged and payable" has the same meaning as in division (B)(4) of 4011
this section and excludes any tax charged and payable in 1985 or 4012
thereafter under sections 5705.194 to 5705.197 or section 5705.199 4013
or 5705.213 of the Revised Code. 4014

(2) If in the case of a school district other than a joint 4015
vocational or cooperative education school district any percentage 4016
required to be used in division (D)(2) of this section for either 4017

class of property could cause the total taxes charged and payable 4018
for current expenses to be less than two per cent of the taxable 4019
value of all real property in that class that is subject to 4020
taxation by the district, the commissioner shall determine what 4021
percentages would cause the district's total taxes charged and 4022
payable for current expenses against that class, after all 4023
reductions that would otherwise be made under this section, to 4024
equal, when combined with the pre-1982 joint vocational taxes 4025
against that class, the lesser of the following: 4026

(a) The sum of the rates at which those taxes are authorized 4027
to be levied; 4028

(b) Two per cent of the taxable value of the property in that 4029
class. The auditor shall use such percentages in making the 4030
reduction required by this section for that class. 4031

(3)(a) If in the case of a joint vocational school district 4032
any percentage required to be used in division (D)(2) of this 4033
section for either class of property could cause the total taxes 4034
charged and payable for current expenses for that class to be less 4035
than the designated amount, the commissioner shall determine what 4036
percentages would cause the district's total taxes charged and 4037
payable for current expenses for that class, after all reductions 4038
that would otherwise be made under this section, to equal the 4039
designated amount. The auditor shall use such percentages in 4040
making the reductions required by this section for that class. 4041

(b) As used in division (E)(3)(a) of this section, the 4042
designated amount shall equal the taxable value of all real 4043
property in the class that is subject to taxation by the district 4044
times the lesser of the following: 4045

(i) Two-tenths of one per cent; 4046

(ii) The district's effective rate plus the following 4047
percentage for the year indicated: 4048

WHEN COMPUTING THE		4049
TAXES CHARGED FOR	ADD THE FOLLOWING PERCENTAGE:	4050
1987	0.025%	4051
1988	0.05%	4052
1989	0.075%	4053
1990	0.1%	4054
1991	0.125%	4055
1992	0.15%	4056
1993	0.175%	4057
1994 and thereafter	0.2%	4058

(F) No reduction shall be made under this section in the rate at which any tax is levied. 4059
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(G) The commissioner may order a county auditor to furnish any information the commissioner needs to make the determinations required under division (D) or (E) of this section, and the auditor shall supply the information in the form and by the date specified in the order. If the auditor fails to comply with an order issued under this division, except for good cause as determined by the commissioner, the commissioner shall withhold from such county or taxing district therein fifty per cent of state revenues to local governments pursuant to section 5747.50 of the Revised Code or shall direct the department of education to withhold therefrom fifty per cent of state revenues to school districts pursuant to Chapter 3317. of the Revised Code. The commissioner shall withhold the distribution of such revenues until the county auditor has complied with this division, and the department shall withhold the distribution of such revenues until the commissioner has notified the department that the county auditor has complied with this division. 4061
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(H) If the commissioner is unable to certify a tax reduction factor for either class of property in a taxing district located in more than one county by the last day of November because 4078
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information required under division (G) of this section is 4081
unavailable, the commissioner may compute and certify an estimated 4082
tax reduction factor for that district for that class. The 4083
estimated factor shall be based upon an estimate of the 4084
unavailable information. Upon receipt of the actual information 4085
for a taxing district that received an estimated tax reduction 4086
factor, the commissioner shall compute the actual tax reduction 4087
factor and use that factor to compute the taxes that should have 4088
been charged and payable against each parcel of property for the 4089
year for which the estimated reduction factor was used. The amount 4090
by which the estimated factor resulted in an overpayment or 4091
underpayment in taxes on any parcel shall be added to or 4092
subtracted from the amount due on that parcel in the ensuing tax 4093
year. 4094

A percentage or a tax reduction factor determined or computed 4095
by the commissioner under this section shall be used solely for 4096
the purpose of reducing the sums to be levied by the tax to which 4097
it applies for the year for which it was determined or computed. 4098
It shall not be used in making any tax computations for any 4099
ensuing tax year. 4100

(I) In making the determinations under division (D)(1) of 4101
this section, the tax commissioner shall take account of changes 4102
in the taxable value of carryover property resulting from 4103
complaints filed under section 5715.19 of the Revised Code for 4104
determinations made for the tax year in which such changes are 4105
reported to the commissioner. Such changes shall be reported to 4106
the commissioner on the first abstract of real property filed with 4107
the commissioner under section 5715.23 of the Revised Code 4108
following the date on which the complaint is finally determined by 4109
the board of revision or by a court or other authority with 4110
jurisdiction on appeal. The tax commissioner shall account for 4111
such changes in making the determinations only for the tax year in 4112

which the change in valuation is reported. Such a valuation change 4113
shall not be used to recompute the percentages determined under 4114
division (D)(1) of this section for any prior tax year. 4115

Sec. 321.261. (A) Five per cent of all delinquent real 4116
property, personal property, and manufactured and mobile home 4117
taxes and assessments collected by the county treasurer shall be 4118
deposited in the delinquent tax and assessment collection fund, 4119
which shall be created in the county treasury. The Except as 4120
provided in division (B) of this section, the moneys in the fund, 4121
one-half of which shall be appropriated by the board of county 4122
commissioners to the treasurer and one-half of which shall be 4123
appropriated to the county prosecuting attorney, shall be used 4124
solely in connection with the collection of delinquent real 4125
property, personal property, and manufactured and mobile home 4126
taxes and assessments. 4127

Annually by the first day of December, the treasurer and the 4128
prosecuting attorney each shall submit a report to the board 4129
regarding the use of the moneys appropriated to their respective 4130
offices from the delinquent tax and assessment collection fund. 4131
Each report shall specify the amount appropriated to the office 4132
during the current calendar year, an estimate of the amount so 4133
appropriated that will be expended by the end of the year, a 4134
summary of how the amount appropriated has been expended in 4135
connection with delinquent tax collection activities, and an 4136
estimate of the amount that will be credited to the fund during 4137
the ensuing calendar year. 4138

(B) A board of county commissioners of a county with a 4139
population exceeding four hundred thousand may, by resolution, 4140
authorize the use of up to three million dollars each year in the 4141
county's delinquent tax and assessment collection fund to prevent 4142
residential mortgage foreclosures in the county and to assist 4143

municipal corporations located in the county in the nuisance 4144
abatement of deteriorated residential buildings in foreclosure. 4145
The funds shall be used to provide financial assistance in the 4146
form of loans to borrowers in default on their home mortgages, 4147
including for the payment of late fees, to clear arrearage 4148
balances, and to augment moneys used in the county's foreclosure 4149
prevention program. Upon application by a municipal corporation 4150
located in the county, the funds also shall be used to pay the 4151
cost of securing deteriorated residential buildings in 4152
foreclosure, including paying the costs of securing such 4153
buildings, lot maintenance, and demolition. 4154

Sec. 340.02. As used in this section, "mental health 4155
professional" means a person who is qualified to work with 4156
mentally ill persons, pursuant to standards established by the 4157
director of mental health under section 5119.611 of the Revised 4158
Code. 4159

For each alcohol, drug addiction, and mental health service 4160
district, there shall be appointed a board of alcohol, drug 4161
addiction, and mental health services of eighteen members. ~~Members~~ 4162
~~shall be residents of the district and~~ Nine members shall be 4163
interested in mental health programs and facilities ~~or~~ and nine 4164
other members shall be interested in alcohol or drug addiction 4165
programs. All members shall be residents of the service district. 4166
The membership shall, as nearly as possible, reflect the 4167
composition of the population of the service district as to race 4168
and sex. 4169

The director of mental health shall appoint four members of 4170
the board, the director of alcohol and drug addiction services 4171
shall appoint four members, and the board of county commissioners 4172
shall appoint ten members. In a joint-county district, the county 4173
commissioners of each participating county shall appoint members 4174

in as nearly as possible the same proportion as that county's 4175
population bears to the total population of the district, except 4176
that at least one member shall be appointed from each 4177
participating county. 4178

The director of mental health shall ensure that at least one 4179
member of the board is a psychiatrist and one member of the board 4180
is a mental health professional. If the appointment of a 4181
psychiatrist is not possible, as determined under rules adopted by 4182
the director, a licensed physician may be appointed in place of 4183
the psychiatrist. If the appointment of a licensed physician is 4184
not possible, the director of mental health may waive the 4185
requirement that the psychiatrist or licensed physician be a 4186
resident of the service district and appoint a psychiatrist or 4187
licensed physician from a contiguous county. ~~The membership of the 4188
board shall, as nearly as possible, reflect the composition of the 4189
population of the service district as to race and sex.~~ The 4190
director of mental health shall ensure that at least one member of 4191
the board is a person who has received or is receiving mental 4192
health services paid for by public funds and at least one member 4193
is a parent or other relative of such a person. 4194

The director of alcohol and drug addiction services shall 4195
ensure that at least one member of the board is a professional in 4196
the field of alcohol or drug addiction services and one member of 4197
the board is an advocate for persons receiving treatment for 4198
alcohol or drug addiction. Of the members appointed by the 4199
director of alcohol and drug addiction services, at least one 4200
shall be a person who has received or is receiving services for 4201
alcohol or drug addiction, and at least one shall be a parent or 4202
other relative of such a person. 4203

No member or employee of a board of alcohol, drug addiction, 4204
and mental health services shall serve as a member of the board of 4205
any agency with which the board of alcohol, drug addiction, and 4206

mental health services has entered into a contract for the 4207
provision of services or facilities. No member of a board of 4208
alcohol, drug addiction, and mental health services shall be an 4209
employee of any agency with which the board has entered into a 4210
contract for the provision of services or facilities. No person 4211
shall be an employee of a board and such an agency unless the 4212
board and agency both agree in writing. 4213

No person shall serve as a member of the board of alcohol, 4214
drug addiction, and mental health services whose spouse, child, 4215
parent, brother, sister, grandchild, stepparent, stepchild, 4216
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 4217
daughter-in-law, brother-in-law, or sister-in-law serves as a 4218
member of the board of any agency with which the board of alcohol, 4219
drug addiction, and mental health services has entered into a 4220
contract for the provision of services or facilities. No person 4221
shall serve as a member or employee of the board whose spouse, 4222
child, parent, brother, sister, stepparent, stepchild, 4223
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 4224
daughter-in-law, brother-in-law, or sister-in-law serves as a 4225
county commissioner of a county or counties in the alcohol, drug 4226
addiction, and mental health service district. 4227

Each year each board member shall attend at least one 4228
in-service training session provided or approved by the department 4229
of mental health or the department of alcohol and drug addiction 4230
services. Such training sessions shall not be considered to be 4231
regularly scheduled meetings of the board. 4232

Each member shall be appointed for a term of four years, 4233
commencing the first day of July, except that one-third of initial 4234
appointments to a newly established board, and to the extent 4235
possible to expanded boards, shall be for terms of two years, 4236
one-third of initial appointments shall be for terms of three 4237
years, and one-third of initial appointments shall be for terms of 4238

four years. No member shall serve more than two consecutive 4239
four-year terms. A member may serve for three consecutive terms 4240
only if one of the terms is for less than two years. A member who 4241
has served two consecutive four-year terms or three consecutive 4242
terms totaling less than ten years is eligible for reappointment 4243
one year following the end of the second or third term, 4244
respectively. 4245

When a vacancy occurs, appointment for the expired or 4246
unexpired term shall be made in the same manner as an original 4247
appointment. The appointing authority shall be notified by 4248
certified mail of any vacancy and shall fill the vacancy within 4249
sixty days following that notice. 4250

Any member of the board may be removed from office by the 4251
appointing authority for neglect of duty, misconduct, or 4252
malfeasance in office, and shall be removed by the appointing 4253
authority if the member's spouse, child, parent, brother, sister, 4254
stepparent, stepchild, stepbrother, stepsister, father-in-law, 4255
mother-in-law, son-in-law, daughter-in-law, brother-in-law, or 4256
sister-in-law serves as a county commissioner of a county or 4257
counties in the service district or serves as a member or employee 4258
of the board of an agency with which the board of alcohol, drug 4259
addiction, and mental health services has entered a contract for 4260
the provision of services or facilities. The member shall be 4261
informed in writing of the charges and afforded an opportunity for 4262
a hearing. Upon the absence of a member within one year from 4263
either four board meetings or from two board meetings without 4264
prior notice, the board shall notify the appointing authority, 4265
which may vacate the appointment and appoint another person to 4266
complete the member's term. 4267

Members of the board shall serve without compensation, but 4268
shall be reimbursed for actual and necessary expenses incurred in 4269
the performance of their official duties, as defined by rules of 4270

the departments of mental health and alcohol and drug addiction 4271
services. 4272

Sec. 340.021. (A) In an alcohol, drug addiction, and mental 4273
health service district comprised of a county with a population of 4274
two hundred fifty thousand or more on October 10, 1989, the board 4275
of county commissioners shall, within thirty days of October 10, 4276
1989, establish an alcohol and drug addiction services board as 4277
the entity responsible for providing alcohol and drug addiction 4278
services in the county, unless, prior to that date, the board 4279
adopts a resolution providing that the entity responsible for 4280
providing the services is a board of alcohol, drug addiction, and 4281
mental health services. If the board of county commissioners 4282
establishes an alcohol and drug addiction services board, the 4283
community mental health board established under former section 4284
340.02 of the Revised Code shall serve as the entity responsible 4285
for providing mental health services in the county. A community 4286
mental health board has all the powers, duties, and obligations of 4287
a board of alcohol, drug addiction, and mental health services 4288
with regard to mental health services. An alcohol and drug 4289
addiction services board has all the powers, duties, and 4290
obligations of a board of alcohol, drug addiction, and mental 4291
health services with regard to alcohol and drug addiction 4292
services. Any provision of the Revised Code that refers to a board 4293
of alcohol, drug addiction, and mental health services with regard 4294
to mental health services also refers to a community mental health 4295
board and any provision that refers to a board of alcohol, drug 4296
addiction, and mental health services with regard to alcohol and 4297
drug addiction services also refers to an alcohol and drug 4298
addiction services board. 4299

An alcohol and drug addiction services board shall consist of 4300
eighteen members, six of whom shall be appointed by the director 4301
of alcohol and drug addiction services and twelve of whom shall be 4302

appointed by the board of county commissioners. Of the members 4303
appointed by the director, one shall be a person who has received 4304
or is receiving services for alcohol or drug addiction, one shall 4305
be a parent or relative of such a person, one shall be a 4306
professional in the field of alcohol or drug addiction services, 4307
and one shall be an advocate for persons receiving treatment for 4308
alcohol or drug addiction. The membership of the board shall, as 4309
nearly as possible, reflect the composition of the population of 4310
the service district as to race and sex. Members shall be 4311
residents of the service district and shall be interested in 4312
alcohol and drug addiction services. Requirements for membership, 4313
including prohibitions against certain family and business 4314
relationships, and terms of office shall be the same as those for 4315
members of boards of alcohol, drug addiction, and mental health 4316
services. 4317

A community mental health board shall consist of eighteen 4318
members, six of whom shall be appointed by the director of mental 4319
health and twelve of whom shall be appointed by the board of 4320
county commissioners. Of the members appointed by the director, 4321
one shall be a person who has received or is receiving mental 4322
health services, one shall be a parent or relative of such a 4323
person, one shall be a psychiatrist or a physician, and one shall 4324
be a mental health professional. The membership of the board as 4325
nearly as possible shall reflect the composition of the population 4326
of the service district as to race and sex. Members shall be 4327
residents of the service district and shall be interested in 4328
mental health services. Requirements for membership, including 4329
prohibitions against certain family and business relationships, 4330
and terms of office shall be the same as those for members of 4331
boards of alcohol, drug addiction, and mental health services. 4332

(B) If a board of county commissioners subject to division 4333
(A) of this section did not adopt a resolution providing for a 4334

board of alcohol, drug addiction, and mental health services, the 4335
board of county commissioners may establish such a board in 4336
accordance with the following procedures: 4337

(1) Not later than January 1, 2007, the board of county 4338
commissioners shall adopt a resolution expressing its intent to 4339
establish a board of alcohol, drug addiction, and mental health 4340
services. 4341

(2) After adopting a resolution under division (B)(1) of this 4342
section, the board of county commissioners shall instruct the 4343
county's community mental health board and alcohol and drug 4344
addiction services board to prepare a report on the feasibility, 4345
process, and proposed plan to establish a board of alcohol, drug 4346
addiction, and mental health services. The board of county 4347
commissioners shall specify the date by which the report must be 4348
submitted to the board for its review. 4349

(3) After reviewing the report prepared under division (B)(2) 4350
of this section, the board may adopt a final resolution 4351
establishing a board of alcohol, drug addiction, and mental health 4352
services. A final resolution establishing such a board shall be 4353
adopted not later than July 1, 2007. 4354

(C)(1) If a board of county commissioners subject to division 4355
(A) of this section did not adopt a resolution providing for a 4356
board of alcohol, drug addiction, and mental health services and 4357
did not establish such a board under division (B) of this section, 4358
the board of county commissioners may establish a board of 4359
alcohol, drug addiction, and mental health services on or after 4360
the effective date of this amendment. To establish the board, the 4361
board of county commissioners shall adopt a resolution providing 4362
for the board's establishment. The composition of the board, the 4363
procedures for appointing members, and all other matters related 4364
to the board and its members are subject to section 340.02 of the 4365
Revised Code, with the following exceptions: 4366

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

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

(2) If a board of alcohol, drug addiction, and mental health services is established pursuant to division (C)(1) of this section, the board has the same rights, privileges, immunities, powers, and duties that were possessed by the county's community mental health board and alcohol and drug addiction services board. When the board is established, all property and obligations of the community mental health board and alcohol and drug addiction services board shall be transferred to the board of alcohol, drug addiction, and mental health services.

Sec. 351.26. (A) The board of directors of a convention facilities authority may adopt a resolution requesting the board of county commissioners of the county in which the convention facilities authority has its territory to propose the question of a tax to be levied pursuant to this section and section 4301.424 or sections 5743.026 and 5743.324 of the Revised Code for the purpose of construction or renovation of a sports facility. The board of directors shall certify a copy of the resolution to the board of county commissioners not later than ninety days prior to the day of the election at which the board of directors requests the board of county commissioners to submit the question of the tax. The resolution shall state the rate at which the tax would be

levied, the purpose for which the tax would be levied, the number 4398
of years the tax would be levied, the section of the Revised Code 4399
under which the tax would be levied, and the date of the election 4400
at which the board of directors requests the board of county 4401
commissioners to submit the question of the tax, all of which are 4402
subject to the limitations of this section and section 4301.424 or 4403
sections 5743.026 and 5743.324 of the Revised Code. 4404

Upon receiving a copy of such a resolution from the board of 4405
directors, the board of county commissioners shall adopt a 4406
resolution either approving or rejecting the proposal, and certify 4407
a copy of its resolution to the board of directors. If the board 4408
of county commissioners approves the proposal, the board of county 4409
commissioners shall propose the question of levying a tax pursuant 4410
to section 4301.424 of the Revised Code or pursuant to sections 4411
5743.026 and 5743.324 of the Revised Code, as specified in the 4412
board of directors' resolution, for the purpose of construction or 4413
renovation of a sports facility. 4414

(B) The form of the ballot in an election held on the 4415
question of levying a tax proposed pursuant to section 4301.424 or 4416
5743.026 of the Revised Code shall be as follows or in any other 4417
form acceptable to the secretary of state: 4418

"For the purpose of paying the costs of 4419
(constructing or renovating) a sports facility, shall (an) excise 4420
tax(es) be levied by the county for the convention 4421
facilities authority of county at the rate of 4422
(dollars on each gallon of spirituous liquor sold in the county by 4423
the Ohio division of liquor control, cents per gallon on the sale 4424
of beer at wholesale in the county, cents per gallon on the sale 4425
of wine and mixed beverages at wholesale in the county, or mills 4426
per cigarette on the sale of cigarettes at wholesale in the 4427
county), for years? 4428

	Yes
	No

4430

"

4431

4432

For an election in which questions under section 4301.424 or 4433
 5743.026 of the Revised Code are joined as a single question, the 4434
 form of the ballot shall be as above, except each of the proposed 4435
 taxes shall be listed. 4436

(C) No tax shall be levied under this section on or after the 4437
effective date of the amendment of this section by the capital 4438
appropriations act of the 127th general assembly. This division 4439
does not prevent the collection of any tax levied under this 4440
section before that date so long as that tax remains effective. 4441

Sec. 519.12. (A)(1) Amendments to the zoning resolution may 4442
 be initiated by motion of the township zoning commission, by the 4443
 passage of a resolution by the board of township trustees, or by 4444
 the filing of an application by one or more of the owners or 4445
 lessees of property within the area proposed to be changed or 4446
 affected by the proposed amendment with the township zoning 4447
 commission. The board of township trustees may require that the 4448
 owner or lessee of property filing an application to amend the 4449
 zoning resolution pay a fee to defray the cost of advertising, 4450
 mailing, filing with the county recorder, and other expenses. If 4451
 the board of township trustees requires such a fee, it shall be 4452
 required generally, for each application. The board of township 4453
 trustees, upon the passage of such a resolution, shall certify it 4454
 to the township zoning commission. 4455

(2) Upon the adoption of a motion by the township zoning 4456
 commission, the certification of a resolution by the board of 4457
 township trustees to the commission, or the filing of an 4458
 application by property owners or lessees as described in division 4459
 (A)(1) of this section with the commission, the commission shall 4460

set a date for a public hearing, which date shall not be less than 4461
twenty nor more than forty days from the date of the certification 4462
of such a resolution, the date of adoption of such a motion, or 4463
the date of the filing of such an application. Notice of the 4464
hearing shall be given by the commission by one publication in one 4465
or more newspapers of general circulation in the township at least 4466
ten days before the date of the hearing. 4467

(B) If the proposed amendment intends to rezone or redistrict 4468
ten or fewer parcels of land, as listed on the county auditor's 4469
current tax list, written notice of the hearing shall be mailed by 4470
the township zoning commission, by first class mail, at least ten 4471
days before the date of the public hearing to all owners of 4472
property within and contiguous to and directly across the street 4473
from the area proposed to be rezoned or redistricted to the 4474
addresses of those owners appearing on the county auditor's 4475
current tax list. The failure of delivery of that notice shall not 4476
invalidate any such amendment. 4477

(C) If the proposed amendment intends to rezone or redistrict 4478
ten or fewer parcels of land as listed on the county auditor's 4479
current tax list, the published and mailed notices shall set forth 4480
the time, date, and place of the public hearing and include all of 4481
the following: 4482

(1) The name of the township zoning commission that will be 4483
conducting the hearing; 4484

(2) A statement indicating that the motion, resolution, or 4485
application is an amendment to the zoning resolution; 4486

(3) A list of the addresses of all properties to be rezoned 4487
or redistricted by the proposed amendment and of the names of 4488
owners of those properties, as they appear on the county auditor's 4489
current tax list; 4490

(4) The present zoning classification of property named in 4491

the proposed amendment and the proposed zoning classification of 4492
that property; 4493

(5) The time and place where the motion, resolution, or 4494
application proposing to amend the zoning resolution will be 4495
available for examination for a period of at least ten days prior 4496
to the hearing; 4497

(6) The name of the person responsible for giving notice of 4498
the hearing by publication, by mail, or by both publication and 4499
mail; 4500

(7) A statement that, after the conclusion of the hearing, 4501
the matter will be submitted to the board of township trustees for 4502
its action; 4503

(8) Any other information requested by the commission. 4504

(D) If the proposed amendment alters the text of the zoning 4505
resolution, or rezones or redistricts more than ten parcels of 4506
land as listed on the county auditor's current tax list, the 4507
published notice shall set forth the time, date, and place of the 4508
public hearing and include all of the following: 4509

(1) The name of the township zoning commission that will be 4510
conducting the hearing on the proposed amendment; 4511

(2) A statement indicating that the motion, application, or 4512
resolution is an amendment to the zoning resolution; 4513

(3) The time and place where the text and maps of the 4514
proposed amendment will be available for examination for a period 4515
of at least ten days prior to the hearing; 4516

(4) The name of the person responsible for giving notice of 4517
the hearing by publication; 4518

(5) A statement that, after the conclusion of the hearing, 4519
the matter will be submitted to the board of township trustees for 4520
its action; 4521

(6) Any other information requested by the commission. 4522

(E) Within five days after the adoption of the motion 4523
described in division (A) of this section, the certification of 4524
the resolution described in division (A) of this section, or the 4525
filing of the application described in division (A) of this 4526
section, the township zoning commission shall transmit a copy of 4527
it together with text and map pertaining to it to the county or 4528
regional planning commission, if there is such a commission. 4529

The county or regional planning commission shall recommend 4530
the approval or denial of the proposed amendment or the approval 4531
of some modification of it and shall submit its recommendation to 4532
the township zoning commission. The recommendation shall be 4533
considered at the public hearing held by the township zoning 4534
commission on the proposed amendment. 4535

The township zoning commission, within thirty days after the 4536
hearing, shall recommend the approval or denial of the proposed 4537
amendment, or the approval of some modification of it, and submit 4538
that recommendation together with the motion, application, or 4539
resolution involved, the text and map pertaining to the proposed 4540
amendment, and the recommendation of the county or regional 4541
planning commission on it to the board of township trustees. 4542

The board of township trustees, upon receipt of that 4543
recommendation, shall set a time for a public hearing on the 4544
proposed amendment, which date shall not be more than thirty days 4545
from the date of the receipt of that recommendation. Notice of the 4546
hearing shall be given by the board by one publication in one or 4547
more newspapers of general circulation in the township, at least 4548
ten days before the date of the hearing. 4549

(F) If the proposed amendment intends to rezone or redistrict 4550
ten or fewer parcels of land as listed on the county auditor's 4551
current tax list, the published notice shall set forth the time, 4552

date, and place of the public hearing and include all of the 4553
following: 4554

(1) The name of the board of township trustees that will be 4555
conducting the hearing; 4556

(2) A statement indicating that the motion, application, or 4557
resolution is an amendment to the zoning resolution; 4558

(3) A list of the addresses of all properties to be rezoned 4559
or redistricted by the proposed amendment and of the names of 4560
owners of those properties, as they appear on the county auditor's 4561
current tax list; 4562

(4) The present zoning classification of property named in 4563
the proposed amendment and the proposed zoning classification of 4564
that property; 4565

(5) The time and place where the motion, application, or 4566
resolution proposing to amend the zoning resolution will be 4567
available for examination for a period of at least ten days prior 4568
to the hearing; 4569

(6) The name of the person responsible for giving notice of 4570
the hearing by publication, by mail, or by both publication and 4571
mail; 4572

(7) Any other information requested by the board. 4573

(G) If the proposed amendment alters the text of the zoning 4574
resolution, or rezones or redistricts more than ten parcels of 4575
land as listed on the county auditor's current tax list, the 4576
published notice shall set forth the time, date, and place of the 4577
public hearing and include all of the following: 4578

(1) The name of the board of township trustees that will be 4579
conducting the hearing on the proposed amendment; 4580

(2) A statement indicating that the motion, application, or 4581
resolution is an amendment to the zoning resolution; 4582

(3) The time and place where the text and maps of the 4583
proposed amendment will be available for examination for a period 4584
of at least ten days prior to the hearing; 4585

(4) The name of the person responsible for giving notice of 4586
the hearing by publication; 4587

(5) Any other information requested by the board. 4588

(H) Within twenty days after its public hearing, the board of 4589
township trustees shall either adopt or deny the recommendations 4590
of the township zoning commission or adopt some modification of 4591
them. If the board denies or modifies the commission's 4592
recommendations, ~~the unanimous~~ a majority vote of the board shall 4593
be required. 4594

The proposed amendment, if adopted by the board, shall become 4595
effective in thirty days after the date of its adoption, unless, 4596
within thirty days after the adoption, there is presented to the 4597
board of township trustees a petition, signed by a number of 4598
registered electors residing in the unincorporated area of the 4599
township or part of that unincorporated area included in the 4600
zoning plan equal to not less than eight per cent of the total 4601
vote cast for all candidates for governor in that area at the most 4602
recent general election at which a governor was elected, 4603
requesting the board of township trustees to submit the amendment 4604
to the electors of that area for approval or rejection at a 4605
special election to be held on the day of the next primary or 4606
general election that occurs at least seventy-five days after the 4607
petition is filed. Each part of this petition shall contain the 4608
number and the full and correct title, if any, of the zoning 4609
amendment resolution, motion, or application, furnishing the name 4610
by which the amendment is known and a brief summary of its 4611
contents. In addition to meeting the requirements of this section, 4612
each petition shall be governed by the rules specified in section 4613
3501.38 of the Revised Code. 4614

The form of a petition calling for a zoning referendum and 4615
the statement of the circulator shall be substantially as follows: 4616

"PETITION FOR ZONING REFERENDUM 4617

(if the proposal is identified by a particular name or number, or 4618
both, these should be inserted here) 4619

A proposal to amend the zoning map of the unincorporated area 4620
of Township, County, Ohio, adopted 4621
.....(date)..... (followed by brief summary of the proposal). 4622

To the Board of Township Trustees of 4623
Township, County, Ohio: 4624

~~..... County, Ohio:~~ 4625

We, the undersigned, being electors residing in the 4626
unincorporated area of Township, included 4627
within the Township Zoning Plan, equal to not less 4628
than eight per cent of the total vote cast for all candidates for 4629
governor in the area at the preceding general election at which a 4630
governor was elected, request the Board of Township Trustees to 4631
submit this amendment of the zoning resolution to the electors of 4632
..... Township residing within the 4633
unincorporated area of the township included in the 4634
..... Township Zoning Resolution, for approval or 4635
rejection at a special election to be held on the day of the 4636
primary or general election to be held on(date)....., 4637
pursuant to section 519.12 of the Revised Code. 4638

Street Address	Date of	4639
Signature or R.F.D.	Township Precinct County Signing	4640
.....		4641
.....		4642

STATEMENT OF CIRCULATOR 4643

I,(name of circulator)....., declare under 4644

penalty of election falsification that I am an elector of the 4645
state of Ohio and reside at the address appearing below my 4646
signature; that I am the circulator of the foregoing part petition 4647
containing(number)..... signatures; that I have 4648
witnessed the affixing of every signature; that all signers were 4649
to the best of my knowledge and belief qualified to sign; and that 4650
every signature is to the best of my knowledge and belief the 4651
signature of the person whose signature it purports to be or of an 4652
attorney in fact acting pursuant to section 3501.382 of the 4653
Revised Code. 4654

..... 4655
(Signature of circulator) 4656
..... 4657
(Address of circulator's permanent 4658
residence in this state) 4659
..... 4660
(City, village, or township, 4661
and zip code) 4662

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 4663
OF THE FIFTH DEGREE." 4664

The petition shall be filed with the board of township 4665
trustees and shall be accompanied by an appropriate map of the 4666
area affected by the zoning proposal. Within two weeks after 4667
receiving a petition filed under this section, the board of 4668
township trustees shall certify the petition to the board of 4669
elections. A petition filed under this section shall be certified 4670
to the board of elections not less than seventy-five days prior to 4671
the election at which the question is to be voted upon. 4672

The board of elections shall determine the sufficiency and 4673
validity of each petition certified to it by a board of township 4674
trustees under this section. If the board of elections determines 4675
that a petition is sufficient and valid, the question shall be 4676

voted upon at a special election to be held on the day of the next 4677
primary or general election that occurs at least seventy-five days 4678
after the date the petition is filed with the board of township 4679
trustees, regardless of whether any election will be held to 4680
nominate or elect candidates on that day. 4681

No amendment for which such a referendum vote has been 4682
requested shall be put into effect unless a majority of the vote 4683
cast on the issue is in favor of the amendment. Upon certification 4684
by the board of elections that the amendment has been approved by 4685
the voters, it shall take immediate effect. 4686

Within five working days after an amendment's effective date, 4687
the board of township trustees shall file the text and maps of the 4688
amendment in the office of the county recorder and with the county 4689
or regional planning commission, if one exists. 4690

The failure to file any amendment, or any text and maps, or 4691
duplicates of any of these documents, with the office of the 4692
county recorder or the county or regional planning commission as 4693
required by this section does not invalidate the amendment and is 4694
not grounds for an appeal of any decision of the board of zoning 4695
appeals. 4696

Sec. 519.211. (A) Except as otherwise provided in division 4697
(B) or (C) of this section, sections 519.02 to 519.25 of the 4698
Revised Code confer no power on any board of township trustees or 4699
board of zoning appeals in respect to the location, erection, 4700
construction, reconstruction, change, alteration, maintenance, 4701
removal, use, or enlargement of any buildings or structures of any 4702
public utility or railroad, whether publicly or privately owned, 4703
or the use of land by any public utility or railroad, for the 4704
operation of its business. As used in this division, "public 4705
utility" does not include a person that owns or operates a solid 4706
waste facility or a solid waste transfer facility, other than a 4707

publicly owned solid waste facility or a publicly owned 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.

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

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

(e) The free-standing or attached structure is proposed to 4739
have attached to it radio frequency transmission or reception 4740
equipment. 4741

(2) Sections 519.02 to 519.25 of the Revised Code confer 4742
power on a board of township trustees or board of zoning appeals 4743
with respect to the location, erection, construction, 4744
reconstruction, change, alteration, removal, or enlargement of a 4745
telecommunications tower, but not with respect to the maintenance 4746
or use of such a tower or any change or alteration that would not 4747
substantially increase the tower's height. However, the power so 4748
conferred shall apply to a particular telecommunications tower 4749
only upon the provision of a notice, in accordance with division 4750
(B)(4)(a) of this section, to the person proposing to construct 4751
the tower. 4752

(3) Any person who plans to construct a telecommunications 4753
tower in an area subject to township zoning regulations shall 4754
provide both of the following by certified mail: 4755

(a) Written notice to each owner of property, as shown on the 4756
county auditor's current tax list, whose land is contiguous to or 4757
directly across a street or roadway from the property on which the 4758
tower is proposed to be constructed, stating all of the following 4759
in clear and concise language: 4760

(i) The person's intent to construct the tower; 4761

(ii) A description of the property sufficient to identify the 4762
proposed location; 4763

(iii) That, no later than fifteen days after the date of 4764
mailing of the notice, any such property owner may give written 4765
notice to the board of township trustees requesting that sections 4766
519.02 to 519.25 of the Revised Code apply to the proposed 4767
location of the tower as provided under division (B)(4)(a) of this 4768
section. 4769

If the notice to a property owner is returned unclaimed or 4770
refused, the person shall mail the notice by regular mail. The 4771
failure of delivery of the notice does not invalidate the notice. 4772

(b) Written notice to the board of township trustees of the 4773
information specified in divisions (B)(3)(a)(i) and (ii) of this 4774
section. The notice to the board also shall include verification 4775
that the person has complied with division (B)(3)(a) of this 4776
section. 4777

(4)(a) If the board of township trustees receives notice from 4778
a property owner under division (B)(3)(a)(iii) of this section 4779
within the time specified in that division or if a board member 4780
makes an objection to the proposed location of the 4781
telecommunications tower within fifteen days after the date of 4782
mailing of the notice sent under division (B)(3)(b) of this 4783
section, the board shall request that the fiscal officer of the 4784
township send the person proposing to construct the tower written 4785
notice that the tower is subject to the power conferred by and in 4786
accordance with division (B)(2) of this section. The notice shall 4787
be sent no later than five days after the earlier of the date the 4788
board first receives such a notice from a property owner or the 4789
date upon which a board member makes an objection. Upon the date 4790
of mailing of the notice to the person, sections 519.02 to 519.25 4791
of the Revised Code shall apply to the tower. 4792

(b) If the board of township trustees receives no notice 4793
under division (B)(3)(a)(iii) of this section within the time 4794
prescribed by that division or no board member has an objection as 4795
provided under division (B)(4)(a) of this section within the time 4796
prescribed by that division, division (A) of this section shall 4797
apply to the tower without exception. 4798

(C) Sections 519.02 to 519.25 of the Revised Code confer 4799
power on a board of township trustees or board of zoning appeals 4800
with respect to the location, erection, construction, 4801

reconstruction, change, alteration, maintenance, removal, use, or 4802
enlargement of any buildings or structures of a public utility 4803
engaged in the business of transporting persons or property, or 4804
both, or providing or furnishing such transportation service, over 4805
any public street, road, or highway in this state, and with 4806
respect to the use of land by any such public utility for the 4807
operation of its business, to the extent that any exercise of such 4808
power is reasonable and not inconsistent with Chapters 4901., 4809
4903., 4905., 4909., 4921., and 4923. of the Revised Code. 4810
However, this division confers no power on a board of township 4811
trustees or board of zoning appeals with respect to a building or 4812
structure of, or the use of land by, a person engaged in the 4813
transportation of farm supplies to the farm or farm products from 4814
farm to market or to food fabricating plants. 4815

(D) Sections 519.02 to 519.25 of the Revised Code confer no 4816
power on any township zoning commission, board of township 4817
trustees, or board of zoning appeals to prohibit the sale or use 4818
of alcoholic beverages in areas where the establishment and 4819
operation of any retail business, hotel, lunchroom, or restaurant 4820
is permitted. 4821

(E)(1) Any person who plans to construct a telecommunications 4822
tower within one hundred feet of a residential dwelling shall 4823
provide a written notice to the owner of the residential dwelling 4824
and to the person occupying the residence, if that person is not 4825
the owner of the residence stating in clear and concise language 4826
the person's intent to construct the tower and a description of 4827
the property sufficient to identify the proposed location. The 4828
notice shall be sent by certified mail. If the notice is returned 4829
unclaimed or refused, the person shall mail the notice by regular 4830
mail. The failure of delivery does not invalidate the notice. 4831

(2) As used in division (E) of this section: 4832

(a) "Residential dwelling" means a building used or intended 4833

to be used as a personal residence by the owner, part-time owner, 4834
or lessee of the building, or any person authorized by such a 4835
person to use the building as a personal residence. 4836

(b) "Telecommunications tower" has the same meaning as in 4837
division (B)(1) of this section, except that the proposed location 4838
of the free-standing or attached structure may be an area other 4839
than an unincorporated area of a township, in an area zoned for 4840
residential use. 4841

Sec. 519.213. (A) As used in this section, "small wind farm" 4842
means wind turbines and associated facilities with a single 4843
interconnection to the electrical grid and designed for, or 4844
capable of, operation at an aggregate capacity of less than five 4845
megawatts. 4846

(B) Notwithstanding division (A) of section 519.211 of the 4847
Revised Code, sections 519.02 to 519.25 of the Revised Code confer 4848
power on a board of township trustees or board of zoning appeals 4849
with respect to the location, erection, construction, 4850
reconstruction, change, alteration, maintenance, removal, use, or 4851
enlargement of any small wind farm, whether publicly or privately 4852
owned, or the use of land for that purpose, which regulations may 4853
be more strict than the regulations prescribed in rules adopted 4854
under division (B)(2) of section 4906.20 of the Revised Code. 4855

(C) The designation under this section of a small wind farm 4856
as a public utility for purposes of sections 519.02 to 519.25 of 4857
the Revised Code shall not affect the classification of a small 4858
wind farm or any other public utility for purposes of state or 4859
local taxation. 4860

(D) Nothing in division (C) of this section shall be 4861
construed as affecting the classification of a telecommunications 4862
tower as defined in division (B) or (E) of section 519.211 of the 4863
Revised Code or any other public utility for purposes of state and 4864

local taxation. 4865

Sec. 713.081. (A) As used in this section, "small wind farm" means wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five megawatts. 4866
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(B) Sections 713.06 to 713.15 of the Revised Code confer power on the legislative authority of a municipal corporation with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any small wind farm as a public utility, whether publicly or privately owned, or the use of land for that purpose, which regulations may be more strict than the regulations prescribed in rules adopted under division (B)(2) of section 4906.20 of the Revised Code. 4871
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(C) The designation under this section of a small wind farm as a public utility for purposes of sections 713.06 to 713.15 of the Revised Code shall not affect the classification of a small wind farm or any other public utility for purposes of state or local taxation. 4880
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Sec. 715.73. The area or areas to be included in a joint economic development district shall meet all of the following criteria: 4885
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(A) The area or areas shall be located within the territory of one or more of the contracting parties and may consist of all of that territory. 4888
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(B) No electors shall reside within the area or areas ~~and no part of the area or areas shall be zoned for residential use on~~ the effective date of the contract creating the joint economic development district, as determined under section 715.77 of the 4891
4892
4893
4894

Revised Code. 4895

(C) The area or areas shall not include any parcel of land 4896
owned in fee by or leased to a municipal corporation or township, 4897
unless the municipal corporation or township is a contracting 4898
party or has given its consent to have the parcel of land included 4899
in the district by the adoption of an ordinance or resolution. 4900

Sec. 715.74. (A) The contract creating a joint economic 4901
development district shall provide for the amount or nature of the 4902
contribution of each contracting party to the development and 4903
operation of the district and may provide for the sharing of the 4904
costs of the operation of and improvements for the district. The 4905
contributions may be in any form to which the contracting parties 4906
agree and may include, but are not limited to, the provision of 4907
services, money, real or personal property, facilities, or 4908
equipment. The contract may provide for the contracting parties to 4909
share revenue from taxes levied on property by one or more of the 4910
contracting parties, if those revenues may lawfully be applied to 4911
that purpose under the legislation by which those taxes are 4912
levied. The contract shall specify and provide for new, expanded, 4913
or additional services, facilities, or improvements. The contract 4914
may provide for expanded or additional capacity for or other 4915
enhancement of existing services, facilities, or improvements. 4916

(B) The contract shall enumerate the specific powers, duties, 4917
and functions of the board of directors of the district described 4918
under section 715.78 of the Revised Code and shall provide for the 4919
determination of procedures that are to govern the board. 4920

(C)(1) The contract may grant to the board the power to adopt 4921
a resolution to levy an income tax within the district and the 4922
contract may ~~designate~~ designate certain portions of the district 4923
where such an income tax may be levied. The income tax shall be 4924
used for the purposes of the district or any portion of the 4925

district in which the contract authorizes an income tax and for 4926
the purposes of the contracting parties pursuant to the contract. 4927
The income tax may be levied in the district based on income 4928
earned by persons working within the district and based on the net 4929
profits of businesses located in the district, but the income of 4930
an individual who resides in the district shall not be subject to 4931
such income tax unless the income is received for personal 4932
services performed in the district. The income tax of the district 4933
shall follow the provisions of Chapter 718. of the Revised Code, 4934
except that no vote shall be required. The rate of the income tax 4935
shall be no higher than the highest rate being levied by a 4936
municipal corporation that is a contracting party. 4937

(2) If the board adopts a resolution to levy an income tax, 4938
it shall enter into an agreement with a municipal corporation that 4939
is a contracting party to administer, collect, and enforce the 4940
income tax on behalf of the district. 4941

(3) A resolution levying an income tax under this section 4942
shall require the contracting parties to annually set aside a 4943
percentage, to be stated in the resolution, of the amount of the 4944
income tax collected for the long-term maintenance of the 4945
district. 4946

(4) An income tax levied under this section shall apply in 4947
the district or any portion of the district in which the contract 4948
authorizes an income tax throughout the term of the contract 4949
creating the district, notwithstanding that all or a portion of 4950
the district becomes subject to annexation, merger, or 4951
consolidation. 4952

(D) The contract creating a joint economic development 4953
district shall continue in existence throughout its term and shall 4954
be binding on the contracting parties and on any parties 4955
succeeding to the contracting parties, whether by annexation, 4956
merger, or consolidation. Except as provided in division (E) of 4957

this section, the contract may be amended, renewed, or terminated 4958
with the approval of the contracting parties or any parties 4959
succeeding to the contracting parties. If the contract is amended 4960
to add area to an existing district, the amendment shall be 4961
adopted in the manner prescribed under section 715.761 of the 4962
Revised Code. 4963

(E) If two or more contracting parties previously have 4964
entered into a separate contract for utility services, then 4965
amendment, renewal, or termination of the separate contract for 4966
utility services shall not constitute any part of the 4967
consideration for the contract creating a joint economic 4968
development district. A contract creating a joint economic 4969
development district shall be rebuttably presumed to violate this 4970
division if it is entered into within two years prior or five 4971
years subsequent to the amendment, renewal, or termination of a 4972
separate contract for utility services that two or more 4973
contracting parties previously have entered into. The presumption 4974
stated in this division may be rebutted by clear and convincing 4975
evidence of both of the following: 4976

(1) That other substantial consideration existed to support 4977
the contract creating a joint economic development district; 4978

(2) That the contracting parties entered into the contract 4979
creating a joint economic development district freely and without 4980
duress or coercion related to the amendment, renewal, or 4981
termination of the separate contract for utility services. 4982

(F) A contract creating a joint economic development district 4983
that violates division (E) of this section is void and 4984
unenforceable. 4985

Sec. 901.42. (A) The director of agriculture may provide 4986
financial assistance to a statewide, multi-state, or national 4987
nonprofit livestock association to defray not more than fifty per 4988

cent of the rental costs of the Ohio expositions center for 4989
purposes of conducting a livestock species exhibition at the 4990
center. In order to obtain financial assistance under this 4991
division, a nonprofit livestock association shall apply to the 4992
director on a form prescribed by the director and in the manner 4993
prescribed in rules adopted under division ~~(D)~~(C) of this section. 4994

Rental cost assistance authorized by this division shall be 4995
provided subject to both of the following conditions: 4996

(1) No nonprofit livestock association shall receive in any 4997
fiscal year rental cost assistance exceeding ~~thirty-four~~ fifty per 4998
cent of the funds available to the director in that fiscal year 4999
for the purposes of this section and designated for the purpose of 5000
defraying rental costs for livestock species exhibitions. 5001

(2) The rental cost assistance shall be paid by the director 5002
to the Ohio expositions commission on behalf of the nonprofit 5003
livestock association by means of intrastate transfer voucher. 5004

If the director receives more than one application for 5005
financial assistance for rental costs, the director shall consider 5006
the cost of and local economic benefit generated by each 5007
applicant's exhibition when allocating financial assistance. 5008

~~(B) The director may allocate not more than fifty thousand 5009
dollars of the moneys available for the purposes of this section 5010
in a fiscal year to provide financial assistance to a nonprofit 5011
livestock association to defray the costs of premium awards for a 5012
national multispecies exhibition held at the Ohio expositions 5013
center. In order to obtain financial assistance under this 5014
division, a nonprofit livestock association shall apply to the 5015
director on a form prescribed by the director and in the manner 5016
prescribed in rules adopted under division (D) of this section. 5017~~

~~(C) The director may expend not more than ~~four~~ two per cent 5018
of the moneys available for the purposes of this section in a 5019~~

fiscal year to defray the costs to the department of agriculture 5020
for administering this section or to assist in recruiting 5021
livestock exhibitions to be held at the Ohio expositions center. 5022

~~(D)~~(C) The director, in accordance with Chapter 119. of the 5023
Revised Code, shall adopt rules to carry out this section, 5024
including, without limitation, rules establishing procedures for 5025
the allocation and distribution of moneys available for the 5026
purposes of this section. 5027

Sec. 1332.04. (A) No political subdivision of this state 5028
shall provide cable service over a cable system, whether bundled 5029
with other services or unbundled, except in accordance with 5030
sections 1332.01 to 1332.10 of the Revised Code. 5031

(B)(1) No political subdivision of this state that is a 5032
public cable service provider or contracts with a public cable 5033
service provider for cable service over a cable system shall, by 5034
any means, do any of the following: 5035

(a) Prefer or advantage any public cable service provider or 5036
discriminate against any private cable service provider in any 5037
material matter affecting the provision, within the jurisdiction 5038
of the political subdivision, of cable service over a cable 5039
system; 5040

(b) Fail to apply any private cable service regulation 5041
without discrimination to a public cable service provider within 5042
the jurisdiction of the political subdivision; 5043

(c) Fail to pay all applicable fees, including, but not 5044
limited to, franchise fees, permit fees, pole attachment fees, or 5045
the equivalent of any such fees; 5046

(d) Require from a person providing video service within the 5047
jurisdiction of the political subdivision any direct or in-kind 5048
charge or a payment of any kind in exchange for PEG channel 5049

programming or other content produced by the political subdivision 5050
or by an entity created by or partially supported by the political 5051
subdivision. As used in division (B)(1)(d) of this section, "PEG 5052
channel" and "video service" have the same meanings as in section 5053
1332.21 of the Revised Code. 5054

(2) Nothing in division (B)(1) of this section requires the 5055
application of a private cable service regulation to a public 5056
cable service provider if that application would be without legal 5057
or practical consequence, such as the application of a private 5058
cable service regulation requiring provision of an insurance bond, 5059
which application to a public cable service provider would require 5060
it to insure its performance to itself. 5061

(C) No political subdivision of this state that is a public 5062
cable service provider shall have extraterritorial public cable 5063
service recipients in excess of fifty per cent of the number of 5064
public cable service recipients that reside within the 5065
geographical limits of the political subdivision. Nothing in this 5066
division prohibits public cable service providers from jointly 5067
owning and operating head-end equipment. Each such public cable 5068
service provider shall pay that proportion of the full costs of 5069
owning and operating such head-end equipment, including, but not 5070
limited to, the costs of construction, acquisition, installation, 5071
improvement, enhancement, modification, financing, maintenance, 5072
repair, and operation, equal to the total population of the 5073
political subdivision that is such public cable service provider 5074
divided by the total population of all political subdivisions that 5075
are public cable service providers jointly owning and operating 5076
such head-end equipment, determined annually or with such 5077
frequency as such public cable service providers otherwise agree. 5078

(D) No political subdivision of this state that is a 5079
franchising authority shall unreasonably withhold a request by a 5080
cable service provider to transfer, modify, or renew, in 5081

accordance with the terms of the franchise and in accordance with 5082
the provisions of the "Telecommunications Act of 1996," Pub. L. 5083
No. 104-104, Title III, Section 301(i), 110 Stat. 117, 47 U.S.C.A. 5084
537, the "Cable Communications Policy Act of 1984," Pub. L. No. 5085
98-549, Section 2, 98 Stat. 2790, 47 U.S.C.A. 545, or the "Cable 5086
Television Consumer Protection and Competition Act of 1992," Pub. 5087
L. No. 102-385, Section 18, 106 Stat. 1493, 47 U.S.C.A. 546, its 5088
existing franchise to provide cable service over a cable system. 5089

Sec. 1346.03. Any information provided to the attorney 5090
general by the department of taxation in accordance with division 5091
(~~G~~)(C)(5) of section 5703.21 of the Revised Code shall not be 5092
disclosed publicly by the attorney general except when it is 5093
necessary to facilitate compliance with and enforcement of section 5094
1346.01 or 1346.02 of the Revised Code. 5095

Sec. 1561.011. ~~Nothing~~ Except as provided in section 1561.24 5096
of the Revised Code, nothing in this chapter applies to activities 5097
that are permitted and regulated under Chapter 1514. of the 5098
Revised Code. 5099

Sec. 1561.16. (A) As used in this section and sections 5100
1561.17 to 1561.21 of the Revised Code, "actual practical 5101
experience" means previous employment that involved a person's 5102
regular presence in the type of mining operation in which the 5103
experience is required to exist; participation in functions 5104
relating to the hazards involved in and the utilization of 5105
equipment, tools, and work crews and individuals for that type of 5106
mining; and regular exposure to the methods, procedures, and 5107
safety laws applicable to that type of mining. Credit of up to one 5108
year for a portion of the required experience time may be given 5109
upon documentation to the chief of the division of mineral 5110
resources management of an educational degree in a field related 5111

to mining. Credit of up to two years of the required experience 5112
time may be given upon presentation to the chief of proof of 5113
graduation from an accredited school of mines or mining after a 5114
four-year course of study with employment in the mining industry 5115
during interim breaks during the school years. 5116

(B) A person who applies for a certificate as a mine 5117
foreperson of gaseous mines shall be able to read and write the 5118
English language; shall have had at least five years' actual 5119
practical experience in the underground workings of a gaseous mine 5120
or the equivalent thereof in the judgment of the chief; and shall 5121
have had practical experience obtained by actual contact with gas 5122
in mines and have knowledge of the dangers and nature of noxious 5123
and explosive gases and ventilation of gaseous mines. An applicant 5124
for a certificate as a foreperson of gaseous mines shall meet the 5125
same requirements, except that the applicant shall have had at 5126
least three years' actual practical experience in the underground 5127
workings of a gaseous mine or the equivalent thereof in the 5128
judgment of the chief. Each applicant for examination shall pay a 5129
fee ~~of ten dollars~~ established in rules adopted under this section 5130
to the chief on the first day of such examination. ~~Any~~ 5131

(C) A person who has been issued a certificate as a mine 5132
foreperson or a foreperson of a gaseous mine and who has not 5133
worked in an underground coal mine for a period of more than two 5134
calendar years shall apply for and obtain recertification from the 5135
chief in accordance with rules adopted under this section before 5136
performing the duties of a mine foreperson or a foreperson of a 5137
gaseous mine. An applicant for recertification shall pay a fee 5138
established in rules adopted under this section at the time of 5139
application for recertification. 5140

(D) A person who has been issued a certificate as a mine 5141
foreperson or a foreperson of a gaseous mine and who has not 5142
worked in an underground coal mine for a period of one or more 5143

calendar years shall successfully complete a retraining course in 5144
accordance with rules adopted under this section before performing 5145
the duties of a mine foreperson or a foreperson of a gaseous mine. 5146

(E) The chief, in consultation with a statewide association 5147
representing the coal mining industry and a statewide association 5148
representing employees of coal mines, shall adopt rules in 5149
accordance with Chapter 119. of the Revised Code that do all of 5150
the following: 5151

(1) Prescribe requirements, criteria, and procedures for the 5152
recertification of a mine foreperson or a foreperson of a gaseous 5153
mine who has not worked in an underground coal mine for a period 5154
of more than two calendar years; 5155

(2) Prescribe requirements, criteria, and procedures for the 5156
retraining of a mine foreperson or a foreperson of a gaseous mine 5157
who has not worked in an underground coal mine for a period of one 5158
or more calendar years; 5159

(3) Establish fees for the examination and recertification of 5160
mine forepersons or forepersons of gaseous mines under this 5161
section; 5162

(4) Prescribe any other requirements, criteria, and 5163
procedures that the chief determines are necessary to administer 5164
this section. 5165

(F) Any moneys collected under this section shall be paid 5166
into the state treasury to the credit of the mining regulation 5167
fund created in section 1561.48 of the Revised Code. 5168

Sec. 1561.17. (A) A person who applies for a certificate as 5169
mine foreperson or foreperson of nongaseous mines shall be able to 5170
read and write the English language; shall have had at least three 5171
years' actual practical experience in mines, or the equivalent 5172
thereof in the judgment of the chief of the division of mineral 5173

resources management; and shall have knowledge of the dangers and 5174
nature of noxious gases. Each applicant for examination shall pay 5175
a fee ~~of ten dollars~~ established in rules adopted under this 5176
section to the chief on the first day of the examination. ~~Any~~ 5177

(B) A person who has been issued a certificate as a mine 5178
foreperson or a foreperson of a nongaseous coal mine and who has 5179
not worked in an underground coal mine for a period of more than 5180
two calendar years shall apply for and obtain recertification from 5181
the chief in accordance with rules adopted under this section 5182
before performing the duties of a mine foreperson or a foreperson 5183
of a nongaseous coal mine. An applicant for recertification shall 5184
pay a fee established in rules adopted under this section at the 5185
time of application for recertification. 5186

(C) A person who has been issued a certificate as a mine 5188
foreperson or a foreperson of a nongaseous coal mine and who has 5189
not worked in an underground coal mine for a period of one or more 5190
calendar years shall successfully complete a retraining course in 5191
accordance with rules adopted under this section before performing 5192
the duties of a mine foreperson or a foreperson of a nongaseous 5193
coal mine. 5194

(D) The chief, in consultation with a statewide association 5195
representing the coal mining industry and a statewide association 5196
representing employees of coal mines, shall adopt rules in 5197
accordance with Chapter 119. of the Revised Code that do all of 5198
the following: 5199

(1) Prescribe requirements, criteria, and procedures for the 5200
recertification of a mine foreperson or a foreperson of a 5201
nongaseous coal mine who has not worked in an underground coal 5202
mine for a period of more than two calendar years; 5203

(2) Prescribe requirements, criteria, and procedures for the 5204

<u>retraining of a mine foreperson or a foreperson of a nongaseous</u>	5205
<u>coal mine who has not worked in an underground coal mine for a</u>	5206
<u>period of one or more calendar years;</u>	5207
<u>(3) Establish fees for the examination and recertification of</u>	5208
<u>mine forepersons or forepersons of nongaseous coal mines under</u>	5209
<u>this section;</u>	5210
<u>(4) Prescribe any other requirements, criteria, and</u>	5211
<u>procedures that the chief determines are necessary to administer</u>	5212
<u>this section.</u>	5213
<u>(E) Any moneys collected under this section shall be paid</u>	5214
<u>into the state treasury to the credit of the mining regulation</u>	5215
<u>fund created in section 1561.48 of the Revised Code.</u>	5216
Sec. 1561.23. The chief of the division of mineral resources	5217
management shall issue the following certificates to those	5218
applicants who pass their examination:	5219
(A) Certificates for mine forepersons of gaseous mines;	5220
(B) Certificates for mine forepersons of nongaseous mines;	5221
(C) Certificates for forepersons of gaseous mines;	5222
(D) Certificates for forepersons of nongaseous mines;	5223
(E) Certificates for forepersons of surface maintenance	5224
facilities of underground or surface mines;	5225
(F) Certificates for mine forepersons of surface mines;	5226
(G) Certificates for forepersons of surface mines;	5227
(H) Certificates for fire bosses;	5228
(I) Certificates for mine electricians;	5229
(J) Certificates for surface mine blasters;	5230
(K) Certificates for shot firers.	5231

Applicants for certificates shall make application to the 5232
chief, on a form provided by the chief, for examination. All 5233
applicants shall be able to read and write the English language 5234
intelligently, and shall furnish the chief with a certificate as 5235
to their character, length and description of their practical 5236
experience, and satisfactory evidence of their ability to perform 5237
the duties of the position for which they make application for 5238
examination. 5239

Any Except as provided in sections 1561.16 and 1561.17 of the 5240
Revised Code, any certificate issued by the former mine examining 5241
board prior to October 29, 1995, shall remain in effect 5242
notwithstanding the new classifications of certificates 5243
established by this section. 5244

Sec. 1561.24. For purposes of this chapter, Chapters 1563., 5245
1565., and 1567., and sections 1514.40 to 1514.50 of the Revised 5246
Code, there is hereby created in the state treasury the mine 5247
safety fund. The fund shall consist of money transferred to it by 5248
the administrator of workers' compensation from the coal-workers 5249
pneumoconiosis fund established in section 4131.03 of the Revised 5250
Code. All investment earnings of the mine safety fund shall be 5251
credited to the fund. The chief of the division of mineral 5252
resources management shall use money in the fund for all of the 5253
following purposes: 5254

(A) Mine safety and health inspections and audits; 5255

(B) The purchase and maintenance of mine rescue and 5256
inspection equipment; 5257

(C) The purchase or lease of facilities for use as mine 5258
rescue stations and for mine rescue and safety training; 5259

(D) Mine rescue and safety and health training of miners; 5260

(E) Certification and recertification of mine officials. 5261

Sec. 1561.25. The division of ~~mines and reclamation~~ mineral 5262
resources management shall establish and maintain four rescue 5263
stations. Three of such stations shall be centrally located at 5264
such places, conveniently accessible to the mines and mining areas 5265
of the state so as to cover the largest number of mines in the 5266
shortest period of time, as the chief of the division of ~~mines and~~ 5267
~~reclamation~~ mineral resources management determines; and one such 5268
station may be maintained at the mine laboratory provided for in 5269
section 1561.27 of the Revised Code. In establishing such stations 5270
the chief may use quarters owned by or in the possession and 5271
control of the state, if available, or may lease other quarters 5272
therefor. Each station shall be equipped with rescue and first aid 5273
apparatus and other equipment as follows: 5274

(A) One motor truck of sufficient capacity to carry the 5275
equipment prescribed by this section; 5276

(B) Not less than six approved breathing apparatus, complete 5277
and in good working order; 5278

(C) One recharging or refilling motor-driven pump for 5279
recharging oxygen cylinders; 5280

(D) Not less than ten oxygen storage cylinders; 5281

(E) One resuscitating outfit; 5282

(F) Not less than five approved flame safety lamps and one 5283
lamp testing cabinet; 5284

(G) Not less than two carbon monoxide detectors; 5285

(H) One approved methane indicating detector; 5286

(I) Not less than ten approved electric mine safety cap lamps 5287
complete; 5288

(J) Charging equipment for cap lamps; 5289

(K) Not less than five hundred feet of two-inch hose of 5290

standard connections and nozzles complete; 5291

(L) All the equipment necessary to provide emergency medical 5292
services, including that necessary for the services of a paramedic 5293
as defined in section 4765.01 of the Revised Code, and to 5294
establish and maintain an intravenous lifeline; 5295

(M) Sufficient parts, supplies, and other necessary equipment 5296
for maintenance and operation of the equipment prescribed in this 5297
section. 5298

All equipment shall be inspected and tested weekly for 5299
efficiency and operation, and be maintained in an effective 5300
operating condition. Reports of the condition shall be sent in 5301
writing to the division of ~~mines and reclamation~~ mineral resources
management. 5302
5303

Each of ~~such~~ the stations shall at all times be in charge of 5304
an assistant superintendent of rescue stations. Each assistant 5305
superintendent shall, under the supervision of the superintendent 5306
of rescue stations, conduct classes in first aid, mine safety, 5307
rescue work, and other safety educational work for the benefit of 5308
people desiring to take the same. They shall keep the equipment 5309
prescribed in this section in good condition, and see that this 5310
equipment reaches any mine whenever it is needed as expeditiously 5311
as possible. They shall help to perform whatever duties are 5312
necessary. 5313

All such stations shall be under the direction of the 5314
superintendent. 5315

Sec. 1561.26. (A) As used in this section: 5316

(1) "EMT-basic," "EMT-I," and "paramedic" have the same 5317
meanings as in section 4765.01 of the Revised Code. 5318

(2) "Mine medical responder" has the same meaning as in
section 1565.15 of the Revised Code. 5319
5320

(B) The superintendent of rescue stations, with the approval 5321
of the chief of the division of mineral resources management, 5322
shall, at each rescue station provided for in section 1561.25 of 5323
the Revised Code, train and employ rescue crews of six members 5324
each, one of whom shall hold a mine foreperson or fire boss 5325
certificate and be designated captain, and train and employ any 5326
number of such rescue crews as the superintendent believes 5327
necessary. One member of a rescue crew shall be certified as an 5328
EMT-basic, EMT-I, mine medical responder, or paramedic. Each 5329
member of a rescue crew shall devote the time specified by the 5330
chief each month for training purposes and shall be available at 5331
all times to assist in rescue work at explosions, mine fires, and 5332
other emergencies. 5333

A captain of mine rescue crews shall receive for service as 5334
captain the sum of twenty-four dollars per month, and each member 5335
shall receive the sum of twenty dollars per month, all payable on 5336
requisition approved by the chief. When engaged in rescue work at 5337
explosions, mine fires, or other emergencies away from their 5338
station, the members of the rescue crews and captains of the same 5339
shall be paid the sum of six dollars per hour for work on the 5340
surface, which includes the time consumed by those members in 5341
traveling to and from the scene of the emergency when the scene is 5342
away from the station of the members, and the sum of seven dollars 5343
per hour for all work underground at the emergency, and in 5344
addition thereto, the necessary living expenses of the members 5345
when the emergency is away from their home station, all payable on 5346
requisition approved by the chief. 5347

Each member of a mine rescue crew shall undergo an annual 5348
medical examination. The chief may designate to perform an 5349
examination any individual authorized by the Revised Code to do 5350
so, including a physician assistant, a clinical nurse specialist, 5351
a certified nurse practitioner, or a certified nurse-midwife. In 5352

designating the individual to perform a medical examination, the 5353
chief shall choose one near the station of the member of the 5354
rescue crews. The examiner shall report the examination results to 5355
the chief and if, in the opinion of the chief, the report 5356
indicates that the member is physically unfit for further 5357
services, the chief shall relieve the member from further duty. 5358
The fee charged by the examiner for the examination shall be paid 5359
in the same manner as fees are paid to doctors employed by the 5360
industrial commission for special medical examinations. 5361

The chief may remove any member of a rescue crew for any 5362
reason. Such crews shall be subject to the orders of the chief, 5363
the superintendent, and the deputy mine inspectors when engaged in 5364
actual mine rescue work. Mine rescue crews shall, in case of death 5365
or injury when engaged in rescue work, wherever the same may 5366
occur, be paid compensation, or their dependents shall be paid 5367
death benefits, from the workers' compensation fund, in the same 5368
manner as other employees of the state. 5369

(C) In addition to the training of rescue crews, each 5370
assistant superintendent of rescue stations, with the approval of 5371
the superintendent, shall provide for and conduct safety, first 5372
aid, and rescue classes at any mine or for any group of miners who 5373
make application for the conducting of such classes. The chief may 5374
assess a fee for safety and first aid classes for the purpose of 5375
covering the costs associated with providing those classes. The 5376
chief shall establish a fee schedule for safety and first aid 5377
classes by rule adopted in accordance with Chapter 119. of the 5378
Revised Code. Fees collected under this section shall be deposited 5379
in the surface mining fund created in section 1514.06 of the 5380
Revised Code. 5381

The superintendent shall prescribe and provide for a uniform 5382
schedule of conducting such safety and rescue classes as will 5383
provide a competent knowledge of modern safety and rescue methods 5384

in, at, and about mines. 5385

(D) No member of a mine rescue crew who performs mine rescue 5386
at an underground coal mine and no operator of a mine whose 5387
employee participates as a member of such a mine rescue crew is 5388
liable in any civil action that arises under the laws of this 5389
state for damage or injury caused in the performance of rescue 5390
work at an underground coal mine. However, a member of such a mine 5391
rescue crew may be liable if the member acted with malicious 5392
purpose, in bad faith, or in a wanton or reckless manner. 5393

This division does not eliminate, limit, or reduce any 5394
immunity from civil liability that is conferred on a member of 5395
such a mine rescue crew or an operator by any other provision of 5396
the Revised Code or by case law. 5397

Sec. 1561.261. Except for civil actions in which the state is 5398
the plaintiff, no employee of the division of mineral resources 5399
management who performs rescue work at an underground coal mine is 5400
liable in any civil action that arises under the laws of this 5401
state for damage or injury caused in the performance of rescue 5402
work at an underground coal mine unless the employee acted with 5403
malicious purpose, in bad faith, or in a wanton or reckless 5404
manner. 5405

This section does not eliminate, limit, or reduce any 5406
immunity from civil liability that is conferred on an employee of 5407
the division by any other provision of the Revised Code or by case 5408
law. 5409

Sec. 1565.15. (A) As used in this section: 5410

(1) "EMT-basic," "EMT-I," "paramedic," and "emergency medical 5411
service organization" have the same meanings as in section 4765.01 5412
of the Revised Code. 5413

(2) "First aid provider" includes a mine medical responder, 5414

an EMT-basic, an EMT-I, a paramedic, or an employee at a surface 5415
coal mine who has satisfied the training requirements established 5416
in division (D)(1) of this section. 5417

(3) "Mine medical responder" means a person who has satisfied 5418
the requirements established in rules adopted under division (E) 5419
of this section. 5420

(B) The operator of an underground coal mine where twenty or 5421
more persons are employed on a shift, including all persons 5422
working at different locations at the mine within a ten-mile 5423
radius, shall provide at least one mine medical responder, 5424
EMT-basic, or EMT-I on duty at the underground coal mine whenever 5425
employees at the mine are actively engaged in the extraction, 5426
production, or preparation of coal. The operator shall provide 5427
mine medical responders, EMTs-basic, or EMTs-I on duty at the 5428
underground coal mine at times and in numbers sufficient to ensure 5429
that no miner works in a mine location that cannot be reached 5430
within a reasonable time by a mine medical responder, an 5431
EMT-basic, or an EMT-I. Mine medical responders, EMTs-basic, and 5432
EMTs-I shall be employed on their regular coal mining duties at 5433
locations convenient for quick response to emergencies in order to 5434
provide emergency medical services inside the underground coal 5435
mine and transportation of injured or sick employees to the 5436
entrance of the mine. The operator shall provide for the services 5437
of at least one emergency medical service organization to be 5438
available on call to reach the entrance of the underground coal 5439
mine within thirty minutes at any time that employees are engaged 5440
in the extraction, production, or preparation of coal in order to 5441
provide emergency medical services and transportation to a 5442
hospital. 5443

The operator shall make available to mine medical responders, 5444
EMTs-basic, and EMTs-I all of the equipment for first aid and 5445
emergency medical services that is necessary for those personnel 5446

to function and to comply with the regulations pertaining to first 5447
aid and emergency medical services that are adopted under the 5448
"Federal Mine Safety and Health Act of 1977," 91 Stat. 1290, 30 5449
U.S.C.A. 801, and amendments to it. The operator of the 5450
underground coal mine shall install telephone service or 5451
equivalent facilities that enable two-way voice communication 5452
between the mine medical responders, EMTs-basic, or EMTs-I in the 5453
mine and the emergency medical service organization outside the 5454
mine that provides emergency medical services on a regular basis. 5455

(C) The operator of a surface coal mine shall provide at 5456
least one first aid provider on duty at the mine whenever 5457
employees at the mine are actively engaged in the extraction, 5458
production, or preparation of coal. The operator shall provide 5459
first aid providers on duty at the surface coal mine at times and 5460
in numbers sufficient to ensure that no miner works in a mine 5461
location that cannot be reached within a reasonable time by a 5462
first aid provider. First aid providers shall be employed on their 5463
regular coal mining duties at locations convenient for quick 5464
response to emergencies in order to provide emergency medical 5465
services and transportation of injured or sick employees to the 5466
entrance of the surface coal mine. The operator shall provide for 5467
the services of at least one emergency medical service 5468
organization to be available on call to reach the entrance of the 5469
surface coal mine within thirty minutes at any time that employees 5470
are engaged in the extraction, production, or preparation of coal 5471
in order to provide emergency medical services and transportation 5472
to a hospital. 5473

The operator shall provide at the mine site all of the 5474
equipment for first aid and emergency medical services that is 5475
necessary for those personnel to function and to comply with the 5476
regulations pertaining to first aid and emergency medical services 5477
that are adopted under the "Federal Mine Safety and Health Act of 5478

1977," 91 Stat. 1290, 30 U.S.C.A. 801, and amendments to it. 5479

(D)(1) An employee at a surface coal mine shall be considered 5480
to be a first aid provider for the purposes of this section if the 5481
employee has received from an instructor approved by the chief of 5482
the division of mineral resources management ten hours of initial 5483
first aid training as a selected supervisory employee under 30 5484
C.F.R. 77.1703 and receives five hours of refresher first aid 5485
training as a selected supervisory employee under 30 C.F.R. 5486
77.1705 in each subsequent calendar year. 5487

(2) Each miner employed at a surface coal mine who is not a 5488
first aid provider shall receive from an instructor approved by 5489
the chief three hours of initial first aid training and two hours 5490
of refresher first aid training in each subsequent calendar year. 5491

(3) The training received in accordance with division (D) of 5492
this section shall consist of a course of instruction established 5493
in the manual issued by the mine safety and health administration 5494
in the United States department of labor entitled "first aid, a 5495
bureau of mines instruction manual" or its successor or any other 5496
curriculum approved by the chief. The training shall be included 5497
in the hours of instruction provided to miners in accordance with 5498
training requirements established under 30 C.F.R. part 48, subpart 5499
(B), as amended, and 30 C.F.R. part 77, as amended. 5500

(E) The chief, in consultation with persons certified under 5501
Chapter 4765. of the Revised Code to teach in an emergency medical 5502
services training program, shall adopt rules in accordance with 5503
Chapter 119. of the Revised Code that do all of the following: 5504

(1) Prescribe training requirements for a mine medical 5505
responder that specifically focus on treating injuries and 5506
illnesses associated with underground coal mining; 5507

(2) Prescribe an examination for a mine medical responder; 5508

(3) Prescribe continuing training requirements for a mine 5509

medical responder; 5510

(4) Establish the fee for examination for a mine medical responder; 5511
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(5) Prescribe any other requirements, criteria, and procedures that the chief determines are necessary regarding the training, examination, and continuing training of mine medical responders. 5513
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If a person qualifies as a mine medical responder or similar classification in another state, the person may provide emergency medical services as a mine medical responder in this state without completing the training or passing the examination that is required in rules adopted under this division, provided that the chief determines that the person's qualifications from the other state satisfy all of the applicable requirements that are established in rules adopted under this division. 5517
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(F) Each operator of a surface coal mine shall establish, keep current, and make available for inspection an emergency medical plan that includes the telephone numbers of the division of mineral resources management and of an emergency medical services organization the services of which are required to be retained under division (C) of this section. The chief shall adopt rules in accordance with Chapter 119. of the Revised Code that establish any additional information required to be included in an emergency medical plan. 5525
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~~(F)~~(G) Each operator of an underground coal mine or surface coal mine shall provide or contract to obtain emergency medical services training or first aid training, as applicable, at the operator's expense, that is sufficient to train and maintain the certification of the number of employees necessary to comply with division (B) of this section and that is sufficient to train employees as required under division (D) of this section and to 5534
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comply with division (C) of this section. 5541

~~(G)~~(H) The division may provide emergency medical services 5542
training for coal mine employees by operating an emergency medical 5543
services training program accredited under section 4765.17 of the 5544
Revised Code or by contracting with the operator of an emergency 5545
medical services training program accredited under that section to 5546
provide that training. The division may charge coal mine operators 5547
a uniform part of the unit cost per trainee. 5548

~~(H)~~(I) No coal mine operator shall violate or fail to comply 5549
with this section. 5550

Sec. 1567.64. (A) As used in this section, "tag lines" and 5551
"tie-off lines" have the same meanings as in rules adopted under 5552
this section. 5553

(B) The operator of an underground coal mine shall provide 5554
tag lines or tie-off lines for each miner at the mine. The 5555
operator shall provide and employees of the mine shall use tag 5556
lines or tie-off lines in accordance with requirements and 5557
procedures established in rules adopted under this section. 5558

(C) The chief of the division of mineral resources 5559
management, in consultation with a statewide association 5560
representing the coal mining industry and a statewide association 5561
representing employees of coal mines, shall adopt rules in 5562
accordance with Chapter 119. of the Revised Code concerning the 5563
use of tag lines or tie-off lines in an underground coal mine. The 5564
rules shall include all of the following: 5565

(1) A definition of "tag line" and of "tie-off line"; 5566

(2) A description or list of acceptable tag lines and tie-off 5567
lines; 5568

(3) Procedures and requirements for the use of tag lines and 5569
tie-off lines; 5570

(4) Procedures for the approval and inspection of the use of tag lines and tie-off lines in a mine; 5571
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(5) Any other requirements concerning tag lines or tie-off lines that the chief determines are necessary. 5573
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(D) No operator of a mine shall refuse or neglect to comply with this section or rules adopted under it. 5575
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Sec. 1567.681. (A) The operator of an underground coal mine that uses conveyor belts in the operation of the mine shall install fire detection devices on each conveyor belt that is used in the mine. The fire detection devices shall be of a design and type established in rules adopted under this section. The chief of the division of mineral resources management shall inspect the fire detection devices after the operator of the mine has installed the devices on the conveyor belts that are used in the operation of the mine. The chief shall approve or disapprove the installation of the fire detection devices and shall notify the operator of the chief's decision. 5577
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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: 5588
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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; 5595
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(2) The number of fire detection devices that are required on a conveyor belt; 5598
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(3) A procedure for the notification of the chief after the 5600

<u>operator of a mine has installed the fire detection devices;</u>	5601
<u>(4) A procedure for the inspection of fire detection devices installed on a conveyor belt;</u>	5602
<u>(5) Any other requirements that the chief determines are necessary.</u>	5603
<u>(C) No operator of a mine shall refuse or neglect to comply with this section or rules adopted under it.</u>	5604
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Sec. 1751.01. As used in this chapter:	5606
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(A)(1) "Basic health care services" means the following services when medically necessary:	5608
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(a) Physician's services, except when such services are supplemental under division (B) of this section;	5610
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(b) Inpatient hospital services;	5612
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(c) Outpatient medical services;	5614
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(d) Emergency health services;	5616
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(e) Urgent care services;	5618
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(f) Diagnostic laboratory services and diagnostic and therapeutic radiologic services;	5620
	5621
(g) Diagnostic and treatment services, other than prescription drug services, for biologically based mental illnesses;	5622
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(h) Preventive health care services, including, but not limited to, voluntary family planning services, infertility services, periodic physical examinations, prenatal obstetrical care, and well-child care.	5624
	5625
"Basic health care services" does not include experimental procedures.	5626
	5627
Except as provided by divisions (A)(2) and (3) of this	5628

section in connection with the offering of coverage for diagnostic 5629
and treatment services for biologically based mental illnesses, a 5630
health insuring corporation shall not offer coverage for a health 5631
care service, defined as a basic health care service by this 5632
division, unless it offers coverage for all listed basic health 5633
care services. However, this requirement does not apply to the 5634
coverage of beneficiaries enrolled in ~~Title XVIII of the "Social~~ 5635
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ 5636
medicare pursuant to a medicare contract, or to the coverage of 5637
beneficiaries enrolled in the federal employee health benefits 5638
program pursuant to 5 U.S.C.A. 8905, or to the coverage of 5639
~~beneficiaries enrolled in Title XIX of the "Social Security Act,"~~ 5640
~~49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as the~~ 5641
~~medical assistance program or medicaid, provided by the department~~ 5642
~~of job and family services under Chapter 5111. of the Revised Code~~ 5643
recipients, or to the coverage of participants of the children's 5644
buy-in program, or to the coverage of beneficiaries under any 5645
federal health care program regulated by a federal regulatory 5646
body, or to the coverage of beneficiaries under any contract 5647
covering officers or employees of the state that has been entered 5648
into by the department of administrative services. 5649

(2) A health insuring corporation may offer coverage for 5650
diagnostic and treatment services for biologically based mental 5651
illnesses without offering coverage for all other basic health 5652
care services. A health insuring corporation may offer coverage 5653
for diagnostic and treatment services for biologically based 5654
mental illnesses alone or in combination with one or more 5655
supplemental health care services. However, a health insuring 5656
corporation that offers coverage for any other basic health care 5657
service shall offer coverage for diagnostic and treatment services 5658
for biologically based mental illnesses in combination with the 5659
offer of coverage for all other listed basic health care services. 5660

(3) A health insuring corporation that offers coverage for 5661
basic health care services is not required to offer coverage for 5662
diagnostic and treatment services for biologically based mental 5663
illnesses in combination with the offer of coverage for all other 5664
listed basic health care services if all of the following apply: 5665

(a) The health insuring corporation submits documentation 5666
certified by an independent member of the American academy of 5667
actuaries to the superintendent of insurance showing that incurred 5668
claims for diagnostic and treatment services for biologically 5669
based mental illnesses for a period of at least six months 5670
independently caused the health insuring corporation's costs for 5671
claims and administrative expenses for the coverage of basic 5672
health care services to increase by more than one per cent per 5673
year. 5674

(b) The health insuring corporation submits a signed letter 5675
from an independent member of the American academy of actuaries to 5676
the superintendent of insurance opining that the increase in costs 5677
described in division (A)(3)(a) of this section could reasonably 5678
justify an increase of more than one per cent in the annual 5679
premiums or rates charged by the health insuring corporation for 5680
the coverage of basic health care services. 5681

(c) The superintendent of insurance makes the following 5682
determinations from the documentation and opinion submitted 5683
pursuant to divisions (A)(3)(a) and (b) of this section: 5684

(i) Incurred claims for diagnostic and treatment services for 5685
biologically based mental illnesses for a period of at least six 5686
months independently caused the health insuring corporation's 5687
costs for claims and administrative expenses for the coverage of 5688
basic health care services to increase by more than one per cent 5689
per year. 5690

(ii) The increase in costs reasonably justifies an increase 5691

of more than one per cent in the annual premiums or rates charged 5692
by the health insuring corporation for the coverage of basic 5693
health care services. 5694

Any determination made by the superintendent under this 5695
division is subject to Chapter 119. of the Revised Code. 5696

(B)(1) "Supplemental health care services" means any health 5697
care services other than basic health care services that a health 5698
insuring corporation may offer, alone or in combination with 5699
either basic health care services or other supplemental health 5700
care services, and includes: 5701

(a) Services of facilities for intermediate or long-term 5702
care, or both; 5703

(b) Dental care services; 5704

(c) Vision care and optometric services including lenses and 5705
frames; 5706

(d) Podiatric care or foot care services; 5707

(e) Mental health services, excluding diagnostic and 5708
treatment services for biologically based mental illnesses; 5709

(f) Short-term outpatient evaluative and crisis-intervention 5710
mental health services; 5711

(g) Medical or psychological treatment and referral services 5712
for alcohol and drug abuse or addiction; 5713

(h) Home health services; 5714

(i) Prescription drug services; 5715

(j) Nursing services; 5716

(k) Services of a dietitian licensed under Chapter 4759. of 5717
the Revised Code; 5718

(l) Physical therapy services; 5719

(m) Chiropractic services;	5720
(n) Any other category of services approved by the superintendent of insurance.	5721 5722
(2) If a health insuring corporation offers prescription drug services under this division, the coverage shall include prescription drug services for the treatment of biologically based mental illnesses on the same terms and conditions as other physical diseases and disorders.	5723 5724 5725 5726 5727
(C) "Specialty health care services" means one of the supplemental health care services listed in division (B) of this section, when provided by a health insuring corporation on an outpatient-only basis and not in combination with other supplemental health care services.	5728 5729 5730 5731 5732
(D) "Biologically based mental illnesses" means schizophrenia, schizoaffective disorder, major depressive disorder, bipolar disorder, paranoia and other psychotic disorders, obsessive-compulsive disorder, and panic disorder, as these terms are defined in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association.	5733 5734 5735 5736 5737 5738 5739
(E) <u>"Children's buy-in program" has the same meaning as in section 5101.5211 of the Revised Code.</u>	5740 5741
(F) "Closed panel plan" means a health care plan that requires enrollees to use participating providers.	5742 5743
(F) (G) "Compensation" means remuneration for the provision of health care services, determined on other than a fee-for-service or discounted-fee-for-service basis.	5744 5745 5746
(G) (H) "Contractual periodic prepayment" means the formula for determining the premium rate for all subscribers of a health insuring corporation.	5747 5748 5749

~~(H)~~(I) "Corporation" means a corporation formed under Chapter 1701. or 1702. of the Revised Code or the similar laws of another state.

~~(I)~~(J) "Emergency health services" means those health care services that must be available on a seven-days-per-week, twenty-four-hours-per-day basis in order to prevent jeopardy to an enrollee's health status that would occur if such services were not received as soon as possible, and includes, where appropriate, provisions for transportation and indemnity payments or service agreements for out-of-area coverage.

~~(J)~~(K) "Enrollee" means any natural person who is entitled to receive health care benefits provided by a health insuring corporation.

~~(K)~~(L) "Evidence of coverage" means any certificate, agreement, policy, or contract issued to a subscriber that sets out the coverage and other rights to which such person is entitled under a health care plan.

~~(L)~~(M) "Health care facility" means any facility, except a health care practitioner's office, that provides preventive, diagnostic, therapeutic, acute convalescent, rehabilitation, mental health, mental retardation, intermediate care, or skilled nursing services.

~~(M)~~(N) "Health care services" means basic, supplemental, and specialty health care services.

~~(N)~~(O) "Health delivery network" means any group of providers or health care facilities, or both, or any representative thereof, that have entered into an agreement to offer health care services in a panel rather than on an individual basis.

~~(O)~~(P) "Health insuring corporation" means a corporation, as defined in division ~~(H)~~(I) of this section, that, pursuant to a policy, contract, certificate, or agreement, pays for, reimburses,

or provides, delivers, arranges for, or otherwise makes available, 5781
basic health care services, supplemental health care services, or 5782
specialty health care services, or a combination of basic health 5783
care services and either supplemental health care services or 5784
specialty health care services, through either an open panel plan 5785
or a closed panel plan. 5786

"Health insuring corporation" does not include a limited 5787
liability company formed pursuant to Chapter 1705. of the Revised 5788
Code, an insurer licensed under Title XXXIX of the Revised Code if 5789
that insurer offers only open panel plans under which all 5790
providers and health care facilities participating receive their 5791
compensation directly from the insurer, a corporation formed by or 5792
on behalf of a political subdivision or a department, office, or 5793
institution of the state, or a public entity formed by or on 5794
behalf of a board of county commissioners, a county board of 5795
mental retardation and developmental disabilities, an alcohol and 5796
drug addiction services board, a board of alcohol, drug addiction, 5797
and mental health services, or a community mental health board, as 5798
those terms are used in Chapters 340. and 5126. of the Revised 5799
Code. Except as provided by division (D) of section 1751.02 of the 5800
Revised Code, or as otherwise provided by law, no board, 5801
commission, agency, or other entity under the control of a 5802
political subdivision may accept insurance risk in providing for 5803
health care services. However, nothing in this division shall be 5804
construed as prohibiting such entities from purchasing the 5805
services of a health insuring corporation or a third-party 5806
administrator licensed under Chapter 3959. of the Revised Code. 5807

~~(P)~~(Q) "Intermediary organization" means a health delivery 5808
network or other entity that contracts with licensed health 5809
insuring corporations or self-insured employers, or both, to 5810
provide health care services, and that enters into contractual 5811
arrangements with other entities for the provision of health care 5812

services for the purpose of fulfilling the terms of its contracts 5813
with the health insuring corporations and self-insured employers. 5814

~~(Q)~~(R) "Intermediate care" means residential care above the 5815
level of room and board for patients who require personal 5816
assistance and health-related services, but who do not require 5817
skilled nursing care. 5818

~~(R)~~(S) "Medicaid" has the same meaning as in section 5111.01 5819
of the Revised Code. 5820

(T) "Medical record" means the personal information that 5821
relates to an individual's physical or mental condition, medical 5822
history, or medical treatment. 5823

~~(S)~~(U) "Medicare" means the program established under Title 5824
XVIII of the "Social Security Act" 49 Stat. 620 (1935), 42 U.S.C. 5825
1395, as amended. 5826

(V)(1) "Open panel plan" means a health care plan that 5827
provides incentives for enrollees to use participating providers 5828
and that also allows enrollees to use providers that are not 5829
participating providers. 5830

(2) No health insuring corporation may offer an open panel 5831
plan, unless the health insuring corporation is also licensed as 5832
an insurer under Title XXXIX of the Revised Code, the health 5833
insuring corporation, on June 4, 1997, holds a certificate of 5834
authority or license to operate under Chapter 1736. or 1740. of 5835
the Revised Code, or an insurer licensed under Title XXXIX of the 5836
Revised Code is responsible for the out-of-network risk as 5837
evidenced by both an evidence of coverage filing under section 5838
1751.11 of the Revised Code and a policy and certificate filing 5839
under section 3923.02 of the Revised Code. 5840

~~(T)~~(W) "Panel" means a group of providers or health care 5841
facilities that have joined together to deliver health care 5842
services through a contractual arrangement with a health insuring 5843

corporation, employer group, or other payor. 5844

~~(U)~~(X) "Person" has the same meaning as in section 1.59 of 5845
the Revised Code, and, unless the context otherwise requires, 5846
includes any insurance company holding a certificate of authority 5847
under Title XXXIX of the Revised Code, any subsidiary and 5848
affiliate of an insurance company, and any government agency. 5849

~~(V)~~(Y) "Premium rate" means any set fee regularly paid by a 5850
subscriber to a health insuring corporation. A "premium rate" does 5851
not include a one-time membership fee, an annual administrative 5852
fee, or a nominal access fee, paid to a managed health care system 5853
under which the recipient of health care services remains solely 5854
responsible for any charges accessed for those services by the 5855
provider or health care facility. 5856

~~(W)~~(Z) "Primary care provider" means a provider that is 5857
designated by a health insuring corporation to supervise, 5858
coordinate, or provide initial care or continuing care to an 5859
enrollee, and that may be required by the health insuring 5860
corporation to initiate a referral for specialty care and to 5861
maintain supervision of the health care services rendered to the 5862
enrollee. 5863

~~(X)~~(AA) "Provider" means any natural person or partnership of 5864
natural persons who are licensed, certified, accredited, or 5865
otherwise authorized in this state to furnish health care 5866
services, or any professional association organized under Chapter 5867
1785. of the Revised Code, provided that nothing in this chapter 5868
or other provisions of law shall be construed to preclude a health 5869
insuring corporation, health care practitioner, or organized 5870
health care group associated with a health insuring corporation 5871
from employing certified nurse practitioners, certified nurse 5872
anesthetists, clinical nurse specialists, certified nurse 5873
midwives, dietitians, physician assistants, dental assistants, 5874
dental hygienists, optometric technicians, or other allied health 5875

personnel who are licensed, certified, accredited, or otherwise 5876
authorized in this state to furnish health care services. 5877

~~(Y)~~(BB) "Provider sponsored organization" means a 5878
corporation, as defined in division ~~(H)~~(I) of this section, that 5879
is at least eighty per cent owned or controlled by one or more 5880
hospitals, as defined in section 3727.01 of the Revised Code, or 5881
one or more physicians licensed to practice medicine or surgery or 5882
osteopathic medicine and surgery under Chapter 4731. of the 5883
Revised Code, or any combination of such physicians and hospitals. 5884
Such control is presumed to exist if at least eighty per cent of 5885
the voting rights or governance rights of a provider sponsored 5886
organization are directly or indirectly owned, controlled, or 5887
otherwise held by any combination of the physicians and hospitals 5888
described in this division. 5889

~~(Z)~~(CC) "Solicitation document" means the written materials 5890
provided to prospective subscribers or enrollees, or both, and 5891
used for advertising and marketing to induce enrollment in the 5892
health care plans of a health insuring corporation. 5893

~~(AA)~~(DD) "Subscriber" means a person who is responsible for 5894
making payments to a health insuring corporation for participation 5895
in a health care plan, or an enrollee whose employment or other 5896
status is the basis of eligibility for enrollment in a health 5897
insuring corporation. 5898

~~(BB)~~(EE) "Urgent care services" means those health care 5899
services that are appropriately provided for an unforeseen 5900
condition of a kind that usually requires medical attention 5901
without delay but that does not pose a threat to the life, limb, 5902
or permanent health of the injured or ill person, and may include 5903
such health care services provided out of the health insuring 5904
corporation's approved service area pursuant to indemnity payments 5905
or service agreements. 5906

Sec. 1751.04. (A) Except as provided by division (F) of this section, upon the receipt by the superintendent of insurance of a complete application for a certificate of authority to establish or operate a health insuring corporation, which application sets forth or is accompanied by the information and documents required by division (A) of section 1751.03 of the Revised Code, the superintendent shall transmit copies of the application and accompanying documents to the director of health.

(B) The director shall review the application and accompanying documents and make findings as to whether the applicant for a certificate of authority has done all of the following with respect to any basic health care services and supplemental health care services to be furnished:

(1) Demonstrated the willingness and potential ability to ensure that all basic health care services and supplemental health care services described in the evidence of coverage will be provided to all its enrollees as promptly as is appropriate and in a manner that assures continuity;

(2) Made effective arrangements to ensure that its enrollees have reliable access to qualified providers in those specialties that are generally available in the geographic area or areas to be served by the applicant and that are necessary to provide all basic health care services and supplemental health care services described in the evidence of coverage;

(3) Made appropriate arrangements for the availability of short-term health care services in emergencies within the geographic area or areas to be served by the applicant, twenty-four hours per day, seven days per week, and for the provision of adequate coverage whenever an out-of-area emergency arises;

(4) Made appropriate arrangements for an ongoing evaluation

and assurance of the quality of health care services provided to 5938
enrollees, including, if applicable, the development of a quality 5939
assurance program complying with the requirements of sections 5940
1751.73 to 1751.75 of the Revised Code, and the adequacy of the 5941
personnel, facilities, and equipment by or through which the 5942
services are rendered; 5943

(5) Developed a procedure to gather and report statistics 5944
relating to the cost and effectiveness of its operations, the 5945
pattern of utilization of its services, and the quality, 5946
availability, and accessibility of its services. 5947

(C) Within ninety days of the director's receipt of the 5948
application for issuance of a certificate of authority, the 5949
director shall certify to the superintendent whether or not the 5950
applicant meets the requirements of division (B) of this section 5951
and sections 3702.51 to 3702.62 of the Revised Code. If the 5952
director certifies that the applicant does not meet these 5953
requirements, the director shall specify in what respects it is 5954
deficient. However, the director shall not certify that the 5955
requirements of this section are not met unless the applicant has 5956
been given an opportunity for a hearing. 5957

(D) If the applicant requests a hearing, the director shall 5958
hold a hearing before certifying that the applicant does not meet 5959
the requirements of this section. The hearing shall be held in 5960
accordance with Chapter 119. of the Revised Code. 5961

(E) The ninety-day review period provided for under division 5962
(C) of this section shall cease to run as of the date on which the 5963
notice of the applicant's right to request a hearing is mailed and 5964
shall remain suspended until the director issues a final 5965
certification order. 5966

(F) Nothing in this section requires the director to review 5967
or make findings with regard to an application and accompanying 5968

documents to establish or operate a any of the following: 5969

(1) A health insuring corporation to cover solely medicaid 5970
~~recipients of assistance under the medicaid program operated~~ 5971
~~pursuant to Chapter 5111. of the Revised Code, a~~ 5972

(2) A health insuring corporation to cover solely recipients 5973
~~of assistance under the federal medicare program under Title XVIII~~ 5974
~~of the "Social Security Act," 49 Stat. 62 (1935), 42 U.S.C. 301,~~ 5975
~~as amended, or a beneficiaries;~~ 5976

(3) A health insuring corporation to cover solely medicaid 5977
~~recipients of assistance under both the medicaid and medicare~~ 5978
~~programs beneficiaries;~~ 5979

(4) A health insuring corporation to cover solely 5980
participants of the children's buy-in program; 5981

(5) A health insuring corporation to cover solely medicaid 5982
recipients and participants of the children's buy-in program; 5983

(6) A health insuring corporation to cover solely medicaid 5984
recipients, medicare beneficiaries, and participants of the 5985
children's buy-in program. 5986

Sec. 1751.05. (A) The superintendent of insurance shall issue 5987
or deny a certificate of authority to health insuring corporations 5988
within the deadlines specified as follows: 5989

(1) For a health insuring corporation filing an application 5990
pursuant to section 1751.03 of the Revised Code, forty-five days 5991
from the superintendent's receipt of the certification from the 5992
director of health under division (C) of section 1751.04 of the 5993
Revised Code; 5994

~~(2) For a health insuring corporation that covers solely~~ 5995
~~recipients of assistance under the medicaid program operated~~ 5996
~~pursuant to Chapter 5111. of the Revised Code, one One hundred~~ 5997
thirty-five days from the superintendent's receipt of a complete 5998

application and accompanying documents <u>if the health insuring</u>	5999
<u>corporation is to cover solely the following:</u>	6000
<u>(a) Medicaid recipients;</u>	6001
<u>(b) Medicare beneficiaries;</u>	6002
<u>(c) Medicaid recipients and medicare beneficiaries;</u>	6003
<u>(d) Participants of the children's buy-in program;</u>	6004
<u>(e) Medicaid recipients and participants of the children's</u> <u>buy-in program;</u>	6005 6006
<u>(f) Medicaid recipients, medicare beneficiaries, and</u> <u>participants of the children's buy-in program.</u>	6007 6008
(B) A certificate of authority shall be issued upon payment	6009
of the application fee prescribed in section 1751.44 of the	6010
Revised Code if the superintendent is satisfied that the following	6011
conditions are met:	6012
(1) The persons responsible for the conduct of the affairs of	6013
the applicant are competent, trustworthy, and possess good	6014
reputations.	6015
(2) The director certifies, in accordance with division (C)	6016
of section 1751.04 of the Revised Code, that the organization's	6017
proposed plan of operation meets the requirements of division (B)	6018
of that section and sections 3702.51 to 3702.62 of the Revised	6019
Code. If, after the director has certified compliance, the	6020
application is amended in a manner that affects its approval under	6021
section 1751.04 of the Revised Code, the superintendent shall	6022
request the director to review and recertify the amended plan of	6023
operation. Within forty-five days of receipt of the amended plan	6024
from the superintendent, the director shall certify to the	6025
superintendent, pursuant to section 1751.04 of the Revised Code,	6026
whether or not the amended plan meets the requirements of section	6027
1751.04 of the Revised Code. The superintendent's forty-five-day	6028

review period shall cease to run as of the date on which the 6029
amended plan is transmitted to the director and shall remain 6030
suspended until the superintendent receives a new certification 6031
from the director. 6032

(3) The applicant constitutes an appropriate mechanism to 6033
effectively provide or arrange for the provision of the basic 6034
health care services, supplemental health care services, or 6035
specialty health care services to be provided to enrollees. 6036

(4) The applicant is financially responsible, complies with 6037
section 1751.28 of the Revised Code, and may reasonably be 6038
expected to meet its obligations to enrollees and prospective 6039
enrollees. In making this determination, the superintendent may 6040
consider: 6041

(a) The financial soundness of the applicant's arrangements 6042
for health care services, including the applicant's proposed 6043
contractual periodic prepayments or premiums and the use of 6044
copayments and deductibles; 6045

(b) The adequacy of working capital; 6046

(c) Any agreement with an insurer, a government, or any other 6047
person for insuring the payment of the cost of health care 6048
services or providing for automatic applicability of an 6049
alternative coverage in the event of discontinuance of the health 6050
insuring corporation's operations; 6051

(d) Any agreement with providers or health care facilities 6052
for the provision of health care services; 6053

(e) Any deposit of securities submitted in accordance with 6054
section 1751.27 of the Revised Code as a guarantee that the 6055
obligations will be performed. 6056

(5) The applicant has submitted documentation of an 6057
arrangement to provide health care services to its enrollees until 6058

the expiration of the enrollees' contracts with the applicant if a health care plan or the operations of the health insuring corporation are discontinued prior to the expiration of the enrollees' contracts. An arrangement to provide health care services may be made by using any one, or any combination, of the following methods:

(a) The maintenance of insolvency insurance;

(b) A provision in contracts with providers and health care facilities, but no health insuring corporation shall rely solely on such a provision for more than thirty days;

(c) An agreement with other health insuring corporations or insurers, providing enrollees with automatic conversion rights upon the discontinuation of a health care plan or the health insuring corporation's operations;

(d) Such other methods as approved by the superintendent.

(6) Nothing in the applicant's proposed method of operation, as shown by the information submitted pursuant to section 1751.03 of the Revised Code or by independent investigation, will cause harm to an enrollee or to the public at large, as determined by the superintendent.

(7) Any deficiencies certified by the director have been corrected.

(8) The applicant has deposited securities as set forth in section 1751.27 of the Revised Code.

(C) If an applicant elects to fulfill the requirements of division (A)(5) of this section through an agreement with other health insuring corporations or insurers, the agreement shall require those health insuring corporations or insurers to give thirty days' notice to the superintendent prior to cancellation or discontinuation of the agreement for any reason.

(D) A certificate of authority shall be denied only after 6089
compliance with the requirements of section 1751.36 of the Revised 6090
Code. 6091

Sec. 1751.11. (A) Every subscriber of a health insuring 6092
corporation is entitled to an evidence of coverage for the health 6093
care plan under which health care benefits are provided. 6094

(B) Every subscriber of a health insuring corporation that 6095
offers basic health care services is entitled to an identification 6096
card or similar document that specifies the health insuring 6097
corporation's name as stated in its articles of incorporation, and 6098
any trade or fictitious names used by the health insuring 6099
corporation. The identification card or document shall list at 6100
least one toll-free telephone number that provides the subscriber 6101
with access, to information on a twenty-four-hours-per-day, 6102
seven-days-per-week basis, as to how health care services may be 6103
obtained. The identification card or document shall also list at 6104
least one toll-free number that, during normal business hours, 6105
provides the subscriber with access to information on the coverage 6106
available under the subscriber's health care plan and information 6107
on the health care plan's internal and external review processes. 6108

(C) No evidence of coverage, or amendment to the evidence of 6109
coverage, shall be delivered, issued for delivery, renewed, or 6110
used, until the form of the evidence of coverage or amendment has 6111
been filed by the health insuring corporation with the 6112
superintendent of insurance. If the superintendent does not 6113
disapprove the evidence of coverage or amendment within sixty days 6114
after it is filed it shall be deemed approved, unless the 6115
superintendent sooner gives approval for the evidence of coverage 6116
or amendment. With respect to an amendment to an approved evidence 6117
of coverage, the superintendent only may disapprove provisions 6118
amended or added to the evidence of coverage. If the 6119

superintendent determines within the sixty-day period that any 6120
evidence of coverage or amendment fails to meet the requirements 6121
of this section, the superintendent shall so notify the health 6122
insuring corporation and it shall be unlawful for the health 6123
insuring corporation to use such evidence of coverage or 6124
amendment. At any time, the superintendent, upon at least thirty 6125
days' written notice to a health insuring corporation, may 6126
withdraw an approval, deemed or actual, of any evidence of 6127
coverage or amendment on any of the grounds stated in this 6128
section. Such disapproval shall be effected by a written order, 6129
which shall state the grounds for disapproval and shall be issued 6130
in accordance with Chapter 119. of the Revised Code. 6131

(D) No evidence of coverage or amendment shall be delivered, 6132
issued for delivery, renewed, or used: 6133

(1) If it contains provisions or statements that are 6134
inequitable, untrue, misleading, or deceptive; 6135

(2) Unless it contains a clear, concise, and complete 6136
statement of the following: 6137

(a) The health care services and insurance or other benefits, 6138
if any, to which an enrollee is entitled under the health care 6139
plan; 6140

(b) Any exclusions or limitations on the health care 6141
services, type of health care services, benefits, or type of 6142
benefits to be provided, including copayments and deductibles; 6143

(c) An enrollee's personal financial obligation for 6144
noncovered services; 6145

(d) Where and in what manner general information and 6146
information as to how health care services may be obtained is 6147
available, including a toll-free telephone number; 6148

(e) The premium rate with respect to individual and 6149

conversion contracts, and relevant copayment and deductible 6150
provisions with respect to all contracts. The statement of the 6151
premium rate, however, may be contained in a separate insert. 6152

(f) The method utilized by the health insuring corporation 6153
for resolving enrollee complaints; 6154

(g) The utilization review, internal review, and external 6155
review procedures established under sections 1751.77 to 1751.85 of 6156
the Revised Code. 6157

(3) Unless it provides for the continuation of an enrollee's 6158
coverage, in the event that the enrollee's coverage under the 6159
group policy, contract, certificate, or agreement terminates while 6160
the enrollee is receiving inpatient care in a hospital. This 6161
continuation of coverage shall terminate at the earliest 6162
occurrence of any of the following: 6163

(a) The enrollee's discharge from the hospital; 6164

(b) The determination by the enrollee's attending physician 6165
that inpatient care is no longer medically indicated for the 6166
enrollee; however, nothing in division (D)(3)(b) of this section 6167
precludes a health insuring corporation from engaging in 6168
utilization review as described in the evidence of coverage. 6169

(c) The enrollee's reaching the limit for contractual 6170
benefits; 6171

(d) The effective date of any new coverage. 6172

(4) Unless it contains a provision that states, in substance, 6173
that the health insuring corporation is not a member of any 6174
guaranty fund, and that in the event of the health insuring 6175
corporation's insolvency, an enrollee is protected only to the 6176
extent that the hold harmless provision required by section 6177
1751.13 of the Revised Code applies to the health care services 6178
rendered; 6179

(5) Unless it contains a provision that states, in substance, 6180
that in the event of the insolvency of the health insuring 6181
corporation, an enrollee may be financially responsible for health 6182
care services rendered by a provider or health care facility that 6183
is not under contract to the health insuring corporation, whether 6184
or not the health insuring corporation authorized the use of the 6185
provider or health care facility. 6186

(E) Notwithstanding divisions (C) and (D) of this section, a 6187
health insuring corporation may use an evidence of coverage that 6188
provides for the coverage of beneficiaries enrolled in ~~Title XVIII~~ 6189
~~of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A.~~ 6190
~~301, as amended, medicare~~ pursuant to a medicare contract, or an 6191
evidence of coverage that provides for the coverage of 6192
beneficiaries enrolled in the federal employees health benefits 6193
program pursuant to 5 U.S.C.A. 8905, or an evidence of coverage 6194
that provides for the coverage of ~~beneficiaries enrolled in Title~~ 6195
~~XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A.~~ 6196
~~301, as amended, known as the medical assistance program or~~ 6197
~~medicaid, provided by the Ohio department of job and family~~ 6198
~~services under Chapter 5111. of the Revised Code recipients, or an~~ 6199
evidence of coverage that provides for coverage of participants of 6200
the children's buy-in program, or an evidence of coverage that 6201
provides for the coverage of beneficiaries under any other federal 6202
health care program regulated by a federal regulatory body, or an 6203
evidence of coverage that provides for the coverage of 6204
beneficiaries under any contract covering officers or employees of 6205
the state that has been entered into by the department of 6206
administrative services, if both of the following apply: 6207

(1) The evidence of coverage has been approved by the United 6208
States department of health and human services, the United States 6209
office of personnel management, the Ohio department of job and 6210
family services, or the department of administrative services. 6211

(2) The evidence of coverage is filed with the superintendent 6212
of insurance prior to use and is accompanied by documentation of 6213
approval from the United States department of health and human 6214
services, the United States office of personnel management, the 6215
Ohio department of job and family services, or the department of 6216
administrative services. 6217

Sec. 1751.111. (A)(1) This section applies to both of the 6218
following: 6219

(a) A health insuring corporation that issues or requires the 6220
use of a standardized identification card or an electronic 6221
technology for submission and routing of prescription drug claims 6222
pursuant to a policy, contract, or agreement for health care 6223
services; 6224

(b) A person or entity that a health insuring corporation 6225
contracts with to issue a standardized identification card or an 6226
electronic technology described in division (A)(1)(a) of this 6227
section. 6228

(2) Notwithstanding division (A)(1) of this section, this 6229
section does not apply to the issuance or required use of a 6230
standardized identification card or an electronic technology for 6231
submission and routing of prescription drug claims in connection 6232
with any of the following: 6233

(a) Coverage provided under the medicare advantage program 6234
operated pursuant to Part C of Title XVIII of the "Social Security 6235
Act," 49 Stat. 62 (1935), 42 U.S.C. 301, as amended. 6236

(b) Coverage provided under medicaid, ~~as defined in section~~ 6237
~~5111.01 of the Revised Code.~~ 6238

(c) Coverage provided under the children's buy-in program. 6239

(d) Coverage provided under an employer's self-insurance plan 6240
or by any of its administrators, as defined in section 3959.01 of 6241

the Revised Code, to the extent that federal law supersedes, 6242
preempts, prohibits, or otherwise precludes the application of 6243
this section to the plan and its administrators. 6244

(B) A standardized identification card or an electronic 6245
technology issued or required to be used as provided in division 6246
(A)(1) of this section shall contain uniform prescription drug 6247
information in accordance with either division (B)(1) or (2) of 6248
this section. 6249

(1) The standardized identification card or the electronic 6250
technology shall be in a format and contain information fields 6251
approved by the national council for prescription drug programs or 6252
a successor organization, as specified in the council's or 6253
successor organization's pharmacy identification card 6254
implementation guide in effect on the first day of October most 6255
immediately preceding the issuance or required use of the 6256
standardized identification card or the electronic technology. 6257

(2) If the health insuring corporation or the person under 6258
contract with the corporation to issue a standardized 6259
identification card or an electronic technology requires the 6260
information for the submission and routing of a claim, the 6261
standardized identification card or the electronic technology 6262
shall contain any of the following information: 6263

(a) The health insuring corporation's name; 6264

(b) The subscriber's name, group number, and identification 6265
number; 6266

(c) A telephone number to inquire about pharmacy-related 6267
issues; 6268

(d) The issuer's international identification number, labeled 6269
as "ANSI BIN" or "RxBIN"; 6270

(e) The processor's control number, labeled as "RxPCN"; 6271

(f) The subscriber's pharmacy benefits group number if 6272
different from the subscriber's medical group number, labeled as 6273
"RxGrp." 6274

(C) If the standardized identification card or the electronic 6275
technology issued or required to be used as provided in division 6276
(A)(1) of this section is also used for submission and routing of 6277
nonpharmacy claims, the designation "Rx" is required to be 6278
included as part of the labels identified in divisions (B)(2)(d) 6279
and (e) of this section if the issuer's international 6280
identification number or the processor's control number is 6281
different for medical and pharmacy claims. 6282

(D) Each health insuring corporation described in division 6283
(A) of this section shall annually file a certificate with the 6284
superintendent of insurance certifying that it or any person it 6285
contracts with to issue a standardized identification card or 6286
electronic technology for submission and routing of prescription 6287
drug claims complies with this section. 6288

(E)(1) Except as provided in division (E)(2) of this section, 6289
if there is a change in the information contained in the 6290
standardized identification card or the electronic technology 6291
issued to a subscriber, the health insuring corporation or person 6292
under contract with the corporation to issue a standardized 6293
identification card or an electronic technology shall issue a new 6294
card or electronic technology to the subscriber. 6295

(2) A health insuring corporation or person under contract 6296
with the corporation is not required under division (E)(1) of this 6297
section to issue a new card or electronic technology to a 6298
subscriber more than once during a twelve-month period. 6299

(F) Nothing in this section shall be construed as requiring a 6300
health insuring corporation to produce more than one standardized 6301
identification card or one electronic technology for use by 6302

subscribers accessing health care benefits provided under a 6303
policy, contract, or agreement for health care services. 6304

Sec. 1751.12. (A)(1) No contractual periodic prepayment and 6305
no premium rate for nongroup and conversion policies for health 6306
care services, or any amendment to them, may be used by any health 6307
insuring corporation at any time until the contractual periodic 6308
prepayment and premium rate, or amendment, have been filed with 6309
the superintendent of insurance, and shall not be effective until 6310
the expiration of sixty days after their filing unless the 6311
superintendent sooner gives approval. The filing shall be 6312
accompanied by an actuarial certification in the form prescribed 6313
by the superintendent. The superintendent shall disapprove the 6314
filing, if the superintendent determines within the sixty-day 6315
period that the contractual periodic prepayment or premium rate, 6316
or amendment, is not in accordance with sound actuarial principles 6317
or is not reasonably related to the applicable coverage and 6318
characteristics of the applicable class of enrollees. The 6319
superintendent shall notify the health insuring corporation of the 6320
disapproval, and it shall thereafter be unlawful for the health 6321
insuring corporation to use the contractual periodic prepayment or 6322
premium rate, or amendment. 6323

(2) No contractual periodic prepayment for group policies for 6324
health care services shall be used until the contractual periodic 6325
prepayment has been filed with the superintendent. The filing 6326
shall be accompanied by an actuarial certification in the form 6327
prescribed by the superintendent. The superintendent may reject a 6328
filing made under division (A)(2) of this section at any time, 6329
with at least thirty days' written notice to a health insuring 6330
corporation, if the contractual periodic prepayment is not in 6331
accordance with sound actuarial principles or is not reasonably 6332
related to the applicable coverage and characteristics of the 6333
applicable class of enrollees. 6334

(3) At any time, the superintendent, upon at least thirty days' written notice to a health insuring corporation, may withdraw the approval given under division (A)(1) of this section, deemed or actual, of any contractual periodic prepayment or premium rate, or amendment, based on information that either of the following applies:

(a) The contractual periodic prepayment or premium rate, or amendment, is not in accordance with sound actuarial principles.

(b) The contractual periodic prepayment or premium rate, or amendment, is not reasonably related to the applicable coverage and characteristics of the applicable class of enrollees.

(4) Any disapproval under division (A)(1) of this section, any rejection of a filing made under division (A)(2) of this section, or any withdrawal of approval under division (A)(3) of this section, shall be effected by a written notice, which shall state the specific basis for the disapproval, rejection, or withdrawal and shall be issued in accordance with Chapter 119. of the Revised Code.

(B) Notwithstanding division (A) of this section, a health insuring corporation may use a contractual periodic prepayment or premium rate for policies used for the coverage of beneficiaries enrolled in ~~Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ medicare pursuant to a medicare risk contract or medicare cost contract, or for policies used for the coverage of beneficiaries enrolled in the federal employees health benefits program pursuant to 5 U.S.C.A. 8905, or for policies used for the coverage of ~~beneficiaries enrolled in Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as the medical assistance program or medicaid, provided by the department of job and family services under Chapter 5111. of the Revised Code~~ recipients, or for policies used for coverage of participants of the children's

buy-in program, or for policies used for the coverage of 6367
beneficiaries under any other federal health care program 6368
regulated by a federal regulatory body, or for policies used for 6369
the coverage of beneficiaries under any contract covering officers 6370
or employees of the state that has been entered into by the 6371
department of administrative services, if both of the following 6372
apply: 6373

(1) The contractual periodic prepayment or premium rate has 6374
been approved by the United States department of health and human 6375
services, the United States office of personnel management, the 6376
department of job and family services, or the department of 6377
administrative services. 6378

(2) The contractual periodic prepayment or premium rate is 6379
filed with the superintendent prior to use and is accompanied by 6380
documentation of approval from the United States department of 6381
health and human services, the United States office of personnel 6382
management, the department of job and family services, or the 6383
department of administrative services. 6384

(C) The administrative expense portion of all contractual 6385
periodic prepayment or premium rate filings submitted to the 6386
superintendent for review must reflect the actual cost of 6387
administering the product. The superintendent may require that the 6388
administrative expense portion of the filings be itemized and 6389
supported. 6390

(D)(1) Copayments must be reasonable and must not be a 6391
barrier to the necessary utilization of services by enrollees. 6392

(2) A health insuring corporation, in order to ensure that 6393
copayments are reasonable and not a barrier to the necessary 6394
utilization of basic health care services by enrollees, may do one 6395
of the following: 6396

(a) Impose copayment charges on any single covered basic 6397

health care service that does not exceed forty per cent of the 6398
average cost to the health insuring corporation of providing the 6399
service; 6400

(b) Impose copayment charges that annually do not exceed 6401
twenty per cent of the total annual cost to the health insuring 6402
corporation of providing all covered basic health care services, 6403
including physician office visits, urgent care services, and 6404
emergency health services, when aggregated as to all persons 6405
covered under the filed product in question. In addition, annual 6406
copayment charges as to each enrollee shall not exceed twenty per 6407
cent of the total annual cost to the health insuring corporation 6408
of providing all covered basic health care services, including 6409
physician office visits, urgent care services, and emergency 6410
health services, as to such enrollee. The total annual cost of 6411
providing a health care service is the cost to the health insuring 6412
corporation of providing the health care service to its enrollees 6413
as reduced by any applicable provider discount. 6414

(3) To ensure that copayments are reasonable and not a 6415
barrier to the utilization of basic health care services, a health 6416
insuring corporation may not impose, in any contract year, on any 6417
subscriber or enrollee, copayments that exceed two hundred per 6418
cent of the average annual premium rate to subscribers or 6419
enrollees. 6420

(4) For purposes of division (D) of this section, both of the 6421
following apply: 6422

(a) Copayments imposed by health insuring corporations in 6423
connection with a high deductible health plan that is linked to a 6424
health savings account are reasonable and are not a barrier to the 6425
necessary utilization of services by enrollees. 6426

(b) Divisions (D)(2) and (3) of this section do not apply to 6427
a high deductible health plan that is linked to a health savings 6428

account. 6429

(E) A health insuring corporation shall not impose lifetime 6430
maximums on basic health care services. However, a health insuring 6431
corporation may establish a benefit limit for inpatient hospital 6432
services that are provided pursuant to a policy, contract, 6433
certificate, or agreement for supplemental health care services. 6434

(F) A health insuring corporation may require that an 6435
enrollee pay an annual deductible that does not exceed one 6436
thousand dollars per enrollee or two thousand dollars per family, 6437
except that: 6438

(1) A health insuring corporation may impose higher 6439
deductibles for high deductible health plans that are linked to 6440
health savings accounts; 6441

(2) The superintendent may adopt rules allowing different 6442
annual deductible amounts for plans with a medical savings 6443
account, health reimbursement arrangement, flexible spending 6444
account, or similar account; 6445

(3) A health insuring corporation may impose higher 6446
deductibles under health plans if requested by the group contract, 6447
policy, certificate, or agreement holder, or an individual seeking 6448
coverage under an individual health plan. This shall not be 6449
construed as requiring the health insuring corporation to create 6450
customized health plans for group contract holders or individuals. 6451

(G) As used in this section, "health savings account" and 6452
"high deductible health plan" have the same meanings as in the 6453
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 223, as 6454
amended. 6455

Sec. 1751.13. (A)(1)(a) A health insuring corporation shall, 6456
either directly or indirectly, enter into contracts for the 6457
provision of health care services with a sufficient number and 6458

types of providers and health care facilities to ensure that all 6459
covered health care services will be accessible to enrollees from 6460
a contracted provider or health care facility. 6461

(b) A health insuring corporation shall not refuse to 6462
contract with a physician for the provision of health care 6463
services or refuse to recognize a physician as a specialist on the 6464
basis that the physician attended an educational program or a 6465
residency program approved or certified by the American 6466
osteopathic association. A health insuring corporation shall not 6467
refuse to contract with a health care facility for the provision 6468
of health care services on the basis that the health care facility 6469
is certified or accredited by the American osteopathic association 6470
or that the health care facility is an osteopathic hospital as 6471
defined in section 3702.51 of the Revised Code. 6472

(c) Nothing in division (A)(1)(b) of this section shall be 6473
construed to require a health insuring corporation to make a 6474
benefit payment under a closed panel plan to a physician or health 6475
care facility with which the health insuring corporation does not 6476
have a contract, provided that none of the bases set forth in that 6477
division are used as a reason for failing to make a benefit 6478
payment. 6479

(2) When a health insuring corporation is unable to provide a 6480
covered health care service from a contracted provider or health 6481
care facility, the health insuring corporation must provide that 6482
health care service from a noncontracted provider or health care 6483
facility consistent with the terms of the enrollee's policy, 6484
contract, certificate, or agreement. The health insuring 6485
corporation shall either ensure that the health care service be 6486
provided at no greater cost to the enrollee than if the enrollee 6487
had obtained the health care service from a contracted provider or 6488
health care facility, or make other arrangements acceptable to the 6489
superintendent of insurance. 6490

(3) Nothing in this section shall prohibit a health insuring corporation from entering into contracts with out-of-state providers or health care facilities that are licensed, certified, accredited, or otherwise authorized in that state.

(B)(1) A health insuring corporation shall, either directly or indirectly, enter into contracts with all providers and health care facilities through which health care services are provided to its enrollees.

(2) A health insuring corporation, upon written request, shall assist its contracted providers in finding stop-loss or reinsurance carriers.

(C) A health insuring corporation shall file an annual certificate with the superintendent certifying that all provider contracts and contracts with health care facilities through which health care services are being provided contain the following:

(1) A description of the method by which the provider or health care facility will be notified of the specific health care services for which the provider or health care facility will be responsible, including any limitations or conditions on such services;

(2) The specific hold harmless provision specifying protection of enrollees set forth as follows:

"[Provider/Health Care Facility] agrees that in no event, including but not limited to nonpayment by the health insuring corporation, insolvency of the health insuring corporation, or breach of this agreement, shall [Provider/Health Care Facility] bill, charge, collect a deposit from, seek remuneration or reimbursement from, or have any recourse against, a subscriber, enrollee, person to whom health care services have been provided, or person acting on behalf of the covered enrollee, for health care services provided pursuant to this agreement. This does not

prohibit [Provider/Health Care Facility] from collecting 6522
co-insurance, deductibles, or copayments as specifically provided 6523
in the evidence of coverage, or fees for uncovered health care 6524
services delivered on a fee-for-service basis to persons 6525
referenced above, nor from any recourse against the health 6526
insuring corporation or its successor." 6527

(3) Provisions requiring the provider or health care facility 6528
to continue to provide covered health care services to enrollees 6529
in the event of the health insuring corporation's insolvency or 6530
discontinuance of operations. The provisions shall require the 6531
provider or health care facility to continue to provide covered 6532
health care services to enrollees as needed to complete any 6533
medically necessary procedures commenced but unfinished at the 6534
time of the health insuring corporation's insolvency or 6535
discontinuance of operations. The completion of a medically 6536
necessary procedure shall include the rendering of all covered 6537
health care services that constitute medically necessary follow-up 6538
care for that procedure. If an enrollee is receiving necessary 6539
inpatient care at a hospital, the provisions may limit the 6540
required provision of covered health care services relating to 6541
that inpatient care in accordance with division (D)(3) of section 6542
1751.11 of the Revised Code, and may also limit such required 6543
provision of covered health care services to the period ending 6544
thirty days after the health insuring corporation's insolvency or 6545
discontinuance of operations. 6546

The provisions required by division (C)(3) of this section 6547
shall not require any provider or health care facility to continue 6548
to provide any covered health care service after the occurrence of 6549
any of the following: 6550

(a) The end of the thirty-day period following the entry of a 6551
liquidation order under Chapter 3903. of the Revised Code; 6552

(b) The end of the enrollee's period of coverage for a 6553

contractual prepayment or premium; 6554

(c) The enrollee obtains equivalent coverage with another 6555
health insuring corporation or insurer, or the enrollee's employer 6556
obtains such coverage for the enrollee; 6557

(d) The enrollee or the enrollee's employer terminates 6558
coverage under the contract; 6559

(e) A liquidator effects a transfer of the health insuring 6560
corporation's obligations under the contract under division (A)(8) 6561
of section 3903.21 of the Revised Code. 6562

(4) A provision clearly stating the rights and 6563
responsibilities of the health insuring corporation, and of the 6564
contracted providers and health care facilities, with respect to 6565
administrative policies and programs, including, but not limited 6566
to, payments systems, utilization review, quality assurance, 6567
assessment, and improvement programs, credentialing, 6568
confidentiality requirements, and any applicable federal or state 6569
programs; 6570

(5) A provision regarding the availability and 6571
confidentiality of those health records maintained by providers 6572
and health care facilities to monitor and evaluate the quality of 6573
care, to conduct evaluations and audits, and to determine on a 6574
concurrent or retrospective basis the necessity of and 6575
appropriateness of health care services provided to enrollees. The 6576
provision shall include terms requiring the provider or health 6577
care facility to make these health records available to 6578
appropriate state and federal authorities involved in assessing 6579
the quality of care or in investigating the grievances or 6580
complaints of enrollees, and requiring the provider or health care 6581
facility to comply with applicable state and federal laws related 6582
to the confidentiality of medical or health records. 6583

(6) A provision that states that contractual rights and 6584

responsibilities may not be assigned or delegated by the provider 6585
or health care facility without the prior written consent of the 6586
health insuring corporation; 6587

(7) A provision requiring the provider or health care 6588
facility to maintain adequate professional liability and 6589
malpractice insurance. The provision shall also require the 6590
provider or health care facility to notify the health insuring 6591
corporation not more than ten days after the provider's or health 6592
care facility's receipt of notice of any reduction or cancellation 6593
of such coverage. 6594

(8) A provision requiring the provider or health care 6595
facility to observe, protect, and promote the rights of enrollees 6596
as patients; 6597

(9) A provision requiring the provider or health care 6598
facility to provide health care services without discrimination on 6599
the basis of a patient's participation in the health care plan, 6600
age, sex, ethnicity, religion, sexual preference, health status, 6601
or disability, and without regard to the source of payments made 6602
for health care services rendered to a patient. This requirement 6603
shall not apply to circumstances when the provider or health care 6604
facility appropriately does not render services due to limitations 6605
arising from the provider's or health care facility's lack of 6606
training, experience, or skill, or due to licensing restrictions. 6607

(10) A provision containing the specifics of any obligation 6608
on the primary care provider to provide, or to arrange for the 6609
provision of, covered health care services twenty-four hours per 6610
day, seven days per week; 6611

(11) A provision setting forth procedures for the resolution 6612
of disputes arising out of the contract; 6613

(12) A provision stating that the hold harmless provision 6614
required by division (C)(2) of this section shall survive the 6615

termination of the contract with respect to services covered and 6616
provided under the contract during the time the contract was in 6617
effect, regardless of the reason for the termination, including 6618
the insolvency of the health insuring corporation; 6619

(13) A provision requiring those terms that are used in the 6620
contract and that are defined by this chapter, be used in the 6621
contract in a manner consistent with those definitions. 6622

This division does not apply to the coverage of beneficiaries 6623
enrolled in ~~Title XVIII of the "Social Security Act," 49 Stat. 620~~ 6624
~~(1935), 42 U.S.C.A. 301, as amended, medicare~~ pursuant to a 6625
medicare risk contract or medicare cost contract, or to the 6626
coverage of beneficiaries enrolled in the federal employee health 6627
benefits program pursuant to 5 U.S.C.A. 8905, or to the coverage 6628
of ~~beneficiaries enrolled in Title XIX of the "Social Security~~ 6629
~~Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as~~ 6630
~~the medical assistance program or medicaid, provided by the~~ 6631
~~department of job and family services under Chapter 5111. of the~~ 6632
~~Revised Code recipients,~~ or to the coverage of beneficiaries under 6633
any federal health care program regulated by a federal regulatory 6634
body, or to the coverage of participants of the children's buy-in 6635
program, or to the coverage of beneficiaries under any contract 6636
covering officers or employees of the state that has been entered 6637
into by the department of administrative services. 6638

(D)(1) No health insuring corporation contract with a 6639
provider or health care facility shall contain any of the 6640
following: 6641

(a) A provision that directly or indirectly offers an 6642
inducement to the provider or health care facility to reduce or 6643
limit medically necessary health care services to a covered 6644
enrollee; 6645

(b) A provision that penalizes a provider or health care 6646

facility that assists an enrollee to seek a reconsideration of the 6647
health insuring corporation's decision to deny or limit benefits 6648
to the enrollee; 6649

(c) A provision that limits or otherwise restricts the 6650
provider's or health care facility's ethical and legal 6651
responsibility to fully advise enrollees about their medical 6652
condition and about medically appropriate treatment options; 6653

(d) A provision that penalizes a provider or health care 6654
facility for principally advocating for medically necessary health 6655
care services; 6656

(e) A provision that penalizes a provider or health care 6657
facility for providing information or testimony to a legislative 6658
or regulatory body or agency. This shall not be construed to 6659
prohibit a health insuring corporation from penalizing a provider 6660
or health care facility that provides information or testimony 6661
that is libelous or slanderous or that discloses trade secrets 6662
which the provider or health care facility has no privilege or 6663
permission to disclose. 6664

(f) A provision that violates Chapter 3963. of the Revised 6665
Code. 6666

(2) Nothing in this division shall be construed to prohibit a 6667
health insuring corporation from doing either of the following: 6668

(a) Making a determination not to reimburse or pay for a 6669
particular medical treatment or other health care service; 6670

(b) Enforcing reasonable peer review or utilization review 6671
protocols, or determining whether a particular provider or health 6672
care facility has complied with these protocols. 6673

(E) Any contract between a health insuring corporation and an 6674
intermediary organization shall clearly specify that the health 6675
insuring corporation must approve or disapprove the participation 6676

of any provider or health care facility with which the 6677
intermediary organization contracts. 6678

(F) If an intermediary organization that is not a health 6679
delivery network contracting solely with self-insured employers 6680
subcontracts with a provider or health care facility, the 6681
subcontract with the provider or health care facility shall do all 6682
of the following: 6683

(1) Contain the provisions required by divisions (C) and (G) 6684
of this section, as made applicable to an intermediary 6685
organization, without the inclusion of inducements or penalties 6686
described in division (D) of this section; 6687

(2) Acknowledge that the health insuring corporation is a 6688
third-party beneficiary to the agreement; 6689

(3) Acknowledge the health insuring corporation's role in 6690
approving the participation of the provider or health care 6691
facility, pursuant to division (E) of this section. 6692

(G) Any provider contract or contract with a health care 6693
facility shall clearly specify the health insuring corporation's 6694
statutory responsibility to monitor and oversee the offering of 6695
covered health care services to its enrollees. 6696

(H)(1) A health insuring corporation shall maintain its 6697
provider contracts and its contracts with health care facilities 6698
at one or more of its places of business in this state, and shall 6699
provide copies of these contracts to facilitate regulatory review 6700
upon written notice by the superintendent of insurance. 6701

(2) Any contract with an intermediary organization that 6702
accepts compensation shall include provisions requiring the 6703
intermediary organization to provide the superintendent with 6704
regulatory access to all books, records, financial information, 6705
and documents related to the provision of health care services to 6706
subscribers and enrollees under the contract. The contract shall 6707

require the intermediary organization to maintain such books, 6708
records, financial information, and documents at its principal 6709
place of business in this state and to preserve them for at least 6710
three years in a manner that facilitates regulatory review. 6711

(I)(1) A health insuring corporation shall notify its 6712
affected enrollees of the termination of a contract for the 6713
provision of health care services between the health insuring 6714
corporation and a primary care physician or hospital, by mail, 6715
within thirty days after the termination of the contract. 6716

(a) Notice shall be given to subscribers of the termination 6717
of a contract with a primary care physician if the subscriber, or 6718
a dependent covered under the subscriber's health care coverage, 6719
has received health care services from the primary care physician 6720
within the previous twelve months or if the subscriber or 6721
dependent has selected the physician as the subscriber's or 6722
dependent's primary care physician within the previous twelve 6723
months. 6724

(b) Notice shall be given to subscribers of the termination 6725
of a contract with a hospital if the subscriber, or a dependent 6726
covered under the subscriber's health care coverage, has received 6727
health care services from that hospital within the previous twelve 6728
months. 6729

(2) The health insuring corporation shall pay, in accordance 6730
with the terms of the contract, for all covered health care 6731
services rendered to an enrollee by a primary care physician or 6732
hospital between the date of the termination of the contract and 6733
five days after the notification of the contract termination is 6734
mailed to a subscriber at the subscriber's last known address. 6735

(J) Divisions (A) and (B) of this section do not apply to any 6736
health insuring corporation that, on June 4, 1997, holds a 6737
certificate of authority or license to operate under Chapter 1740. 6738

of the Revised Code. 6739

(K) Nothing in this section shall restrict the governing body 6740
of a hospital from exercising the authority granted it pursuant to 6741
section 3701.351 of the Revised Code. 6742

Sec. 1751.15. (A) After a health insuring corporation has 6743
furnished, directly or indirectly, basic health care services for 6744
a period of twenty-four months, and if it currently meets the 6745
financial requirements set forth in section 1751.28 of the Revised 6746
Code and had net income as reported to the superintendent of 6747
insurance for at least one of the preceding four calendar 6748
quarters, it shall hold an annual open enrollment period of not 6749
less than thirty days during its month of licensure for 6750
individuals who are not federally eligible individuals at the time 6751
they apply for enrollment. 6752

(B) During the open enrollment period described in division 6753
(A) of this section, the health insuring corporation shall accept 6754
applicants and their dependents in the order in which they apply 6755
for enrollment and in accordance with any of the following: 6756

(1) Up to its capacity, as determined by the health insuring 6757
corporation subject to review by the superintendent; 6758

(2) If less than its capacity, one per cent of the health 6759
insuring corporation's total number of subscribers residing in 6760
this state as of the immediately preceding thirty-first day of 6761
December. 6762

(C) Where a health insuring corporation demonstrates to the 6763
satisfaction of the superintendent that such open enrollment would 6764
jeopardize its economic viability, the superintendent may do any 6765
of the following: 6766

(1) Waive the requirement for open enrollment; 6767

(2) Impose a limit on the number of applicants and their 6768

dependents that must be enrolled; 6769

(3) Authorize such underwriting restrictions upon open 6770
enrollment as are necessary to do any of the following: 6771

(a) Preserve its financial stability; 6772

(b) Prevent excessive adverse selection; 6773

(c) Avoid unreasonably high or unmarketable charges for 6774
coverage of health care services. 6775

(D)(1) A request to the superintendent under division (C) of 6776
this section for any restriction, limit, or waiver during an open 6777
enrollment period must be accompanied by supporting documentation, 6778
including financial data. In reviewing the request, the 6779
superintendent may consider various factors, including the size of 6780
the health insuring corporation, the health insuring corporation's 6781
net worth and profitability, the health insuring corporation's 6782
delivery system structure, and the effect on profitability of 6783
prior open enrollments. 6784

(2) Any action taken by the superintendent under division (C) 6785
of this section shall be effective for a period of not more than 6786
one year. At the expiration of such time, a new demonstration of 6787
the health insuring corporation's need for the restriction, limit, 6788
or waiver shall be made before a new restriction, limit, or waiver 6789
is granted by the superintendent. 6790

(3) Irrespective of the granting of any restriction, limit, 6791
or waiver by the superintendent, a health insuring corporation may 6792
reject an applicant or a dependent of the applicant during its 6793
open enrollment period if the applicant or dependent: 6794

(a) Was eligible for and was covered under any 6795
employer-sponsored health care coverage, or if employer-sponsored 6796
health care coverage was available at the time of open enrollment; 6797

(b) Is eligible for continuation coverage under state or 6798

federal law; 6799

(c) Is eligible for medicare, and the health insuring 6800
corporation does not have an agreement on appropriate payment 6801
mechanisms with the governmental agency administering the medicare 6802
program. 6803

(E) A health insuring corporation shall not be required 6804
either to enroll applicants or their dependents who are confined 6805
to a health care facility because of chronic illness, permanent 6806
injury, or other infirmity that would cause economic impairment to 6807
the health insuring corporation if such applicants or their 6808
dependents were enrolled or to make the effective date of benefits 6809
for applicants or their dependents enrolled under this section 6810
earlier than ninety days after the date of enrollment. 6811

(F) A health insuring corporation shall not be required to 6812
cover the fees or costs, or both, for any basic health care 6813
service related to a transplant of a body organ if the transplant 6814
occurs within one year after the effective date of an enrollee's 6815
coverage under this section. This limitation on coverage does not 6816
apply to a newly born child who meets the requirements for 6817
coverage under section 1751.61 of the Revised Code. 6818

(G) Each health insuring corporation required to hold an open 6819
enrollment pursuant to division (A) of this section shall file 6820
with the superintendent, not later than sixty days prior to the 6821
commencement of the proposed open enrollment period, the following 6822
documents: 6823

(1) The proposed public notice of open enrollment; 6824

(2) The evidence of coverage approved pursuant to section 6825
1751.11 of the Revised Code that will be used during open 6826
enrollment; 6827

(3) The contractual periodic prepayment and premium rate 6828
approved pursuant to section 1751.12 of the Revised Code that will 6829

be applicable during open enrollment; 6830

(4) Any solicitation document approved pursuant to section 6831
1751.31 of the Revised Code to be sent to applicants, including 6832
the application form that will be used during open enrollment; 6833

(5) A list of the proposed dates of publication of the public 6834
notice, and the names of the newspapers in which the notice will 6835
appear; 6836

(6) Any request for a restriction, limit, or waiver with 6837
respect to the open enrollment period, along with any supporting 6838
documentation. 6839

(H)(1) An open enrollment period shall not satisfy the 6840
requirements of this section unless the health insuring 6841
corporation provides adequate public notice in accordance with 6842
divisions (H)(2) and (3) of this section. No public notice shall 6843
be used until the form of the public notice has been filed by the 6844
health insuring corporation with the superintendent. If the 6845
superintendent does not disapprove the public notice within sixty 6846
days after it is filed, it shall be deemed approved, unless the 6847
superintendent sooner gives approval for the public notice. If the 6848
superintendent determines within this sixty-day period that the 6849
public notice fails to meet the requirements of this section, the 6850
superintendent shall so notify the health insuring corporation and 6851
it shall be unlawful for the health insuring corporation to use 6852
the public notice. Such disapproval shall be effected by a written 6853
order, which shall state the grounds for disapproval and shall be 6854
issued in accordance with Chapter 119. of the Revised Code. 6855

(2) A public notice pursuant to division (H)(1) of this 6856
section shall be published in at least one newspaper of general 6857
circulation in each county in the health insuring corporation's 6858
service area, at least once in each of the two weeks immediately 6859
preceding the month in which the open enrollment is to occur and 6860

in each week of that month, or until the enrollment limitation is reached, whichever occurs first. The notice published during the last week of open enrollment shall appear not less than five days before the end of the open enrollment period. It shall be at least two newspaper columns wide or two and one-half inches wide, whichever is larger. The first two lines of the text shall be published in not less than twelve-point, boldface type. The remainder of the text of the notice shall be published in not less than eight-point type. The entire public notice shall be surrounded by a continuous black line not less than one-eighth of an inch wide.

(3) The following information shall be included in the public notice provided under division (H)(2) of this section:

(a) The dates that open enrollment will be held and the date coverage obtained under the open enrollment will become effective;

(b) Notice that an applicant or the applicant's dependents will not be denied coverage during open enrollment because of a preexisting health condition, but that some limitations and restrictions may apply;

(c) The address where a person may obtain an application;

(d) The telephone number that a person may call to request an application or to ask questions;

(e) The date the first payment will be due;

(f) The actual rates or range of rates that will be applicable for applicants;

(g) Any limitation granted by the superintendent on the number of applications that will be accepted by the health insuring corporation.

(4) Within thirty days after the end of an open enrollment period, the health insuring corporation shall submit to the

superintendent proof of publication for the public notices, and 6891
shall report the total number of applicants and their dependents 6892
enrolled during the open enrollment period. 6893

(I)(1) No health insuring corporation may employ any scheme, 6894
plan, or device that restricts the ability of any person to enroll 6895
during open enrollment. 6896

(2) No health insuring corporation may require enrollment to 6897
be made in person. Every health insuring corporation shall permit 6898
application for coverage by mail. A representative of the health 6899
insuring corporation may visit an applicant who has submitted an 6900
application by mail, in order to explain the operations of the 6901
health insuring corporation and to answer any questions the 6902
applicant may have. Every health insuring corporation shall make 6903
open enrollment applications and solicitation documents readily 6904
available to any potential applicant who requests such material. 6905

(J) An application postmarked on the last day of an open 6906
enrollment period shall qualify as a valid application, regardless 6907
of the date on which it is received by the health insuring 6908
corporation. 6909

(K) This section does not apply to any of the following: 6910

(1) Any health insuring corporation that offers only 6911
supplemental health care services or specialty health care 6912
services, ~~or to any;~~ 6913

(2) Any health insuring corporation that offers plans only 6914
through ~~Title XVIII or Title XIX of the "Social Security Act," 49~~ 6915
~~Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ medicare, medicaid, 6916
or the children's buy-in program and that has no other commercial 6917
enrollment, ~~or to any;~~ 6918

(3) Any health insuring corporation that offers plans only 6919
through other federal health care programs regulated by federal 6920
regulatory bodies and that has no other commercial enrollment, ~~or~~ 6921

~~to any;~~ 6922

(4) Any health insuring corporation that offers plans only 6923
through contracts covering officers or employees of the state that 6924
have been entered into by the department of administrative 6925
services and that has no other commercial enrollment. 6926

(L) Each health insuring corporation shall accept federally 6927
eligible individuals for open enrollment coverage as provided in 6928
section 3923.581 of the Revised Code. A health insuring 6929
corporation may reinsure coverage of any federally eligible 6930
individual acquired under that section with the open enrollment 6931
reinsurance program in accordance with division (G) of section 6932
3924.11 of the Revised Code. Fixed periodic prepayment rates 6933
charged for coverage reinsured by the program shall be established 6934
in accordance with section 3924.12 of the Revised Code. 6935

(M) As used in this section, "federally eligible individual" 6936
means an eligible individual as defined in 45 C.F.R. 148.103. 6937

Sec. 1751.16. (A) Except as provided in division (F) of this 6938
section, every group contract issued by a health insuring 6939
corporation shall provide an option for conversion to an 6940
individual contract issued on a direct-payment basis to any 6941
subscriber covered by the group contract who terminates employment 6942
or membership in the group, unless: 6943

(1) Termination of the conversion option or contract is based 6944
upon nonpayment of premium after reasonable notice in writing has 6945
been given by the health insuring corporation to the subscriber. 6946

(2) The subscriber is, or is eligible to be, covered for 6947
benefits at least comparable to the group contract under any of 6948
the following: 6949

(a) ~~Title XVIII of the "Social Security Act," 49 Stat. 620~~ 6950
~~(1935), 42 U.S.C.A. 301, as amended~~ Medicare; 6951

(b) Any act of congress or law under this or any other state 6952
of the United States providing coverage at least comparable to the 6953
benefits under division (A)(2)(a) of this section; 6954

(c) Any policy of insurance or health care plan providing 6955
coverage at least comparable to the benefits under division 6956
(A)(2)(a) of this section. 6957

(B)(1) The direct-payment contract offered by the health 6958
insuring corporation pursuant to division (A) of this section 6959
shall provide the following: 6960

(a) In the case of an individual who is not a federally 6961
eligible individual, benefits comparable to benefits in any of the 6962
individual contracts then being issued to individual subscribers 6963
by the health insuring corporation; 6964

(b) In the case of a federally eligible individual, a basic 6965
and standard plan established by the board of directors of the 6966
Ohio health reinsurance program or plans substantially similar to 6967
the basic and standard plan in benefit design and scope of covered 6968
services. For purposes of division (B)(1)(b) of this section, the 6969
superintendent of insurance shall determine whether a plan is 6970
substantially similar to the basic or standard plan in benefit 6971
design and scope of covered services. The contractual periodic 6972
prepayments charged for such plans may not exceed an amount that 6973
is two times the midpoint of the standard rate charged any other 6974
individual of a group to which the organization is currently 6975
accepting new business and for which similar copayments and 6976
deductibles are applied. 6977

(2) The direct payment contract offered pursuant to division 6978
(A) of this section may include a coordination of benefits 6979
provision as approved by the superintendent. 6980

(3) For purposes of division (B) of this section "federally 6981
eligible individual" means an eligible individual as defined in 45 6982

C.F.R. 148.103.	6983
(C) The option for conversion shall be available:	6984
(1) Upon the death of the subscriber, to the surviving spouse with respect to such of the spouse and dependents as are then covered by the group contract;	6985 6986 6987
(2) To a child solely with respect to the child upon the child's attaining the limiting age of coverage under the group contract while covered as a dependent under the contract;	6988 6989 6990
(3) Upon the divorce, dissolution, or annulment of the marriage of the subscriber, to the divorced spouse, or, in the event of annulment, to the former spouse of the subscriber.	6991 6992 6993
(D) No health insuring corporation shall use age as the basis for refusing to renew a converted contract.	6994 6995
(E) Written notice of the conversion option provided by this section shall be given to the subscriber by the health insuring corporation by mail. The notice shall be sent to the subscriber's address in the records of the employer upon receipt of notice from the employer of the event giving rise to the conversion option. If the subscriber has not received notice of the conversion privilege at least fifteen days prior to the expiration of the thirty-day conversion period, then the subscriber shall have an additional period within which to exercise the privilege. This additional period shall expire fifteen days after the subscriber receives notice, but in no event shall the period extend beyond sixty days after the expiration of the thirty-day conversion period.	6996 6997 6998 6999 7000 7001 7002 7003 7004 7005 7006 7007
(F) This section does not apply to any group contract offering only supplemental health care services or specialty health care services.	7008 7009 7010
Sec. 1751.17. (A) As used in this section, "nongroup contract" means a contract issued by a health insuring corporation	7011 7012

to an individual who makes direct application for coverage under 7013
the contract and who, if required by the health insuring 7014
corporation, submits to medical underwriting. "Nongroup contract" 7015
does not include group conversion coverage, coverage obtained 7016
through open enrollment, or coverage issued on the basis of 7017
membership in a group. 7018

(B) Except as provided in division (C) of this section, every 7019
nongroup contract that is issued by a health insuring corporation 7020
and that makes available basic health care services shall provide 7021
an option for conversion to a contract issued on a direct-payment 7022
basis to an enrollee covered by the nongroup contract. The option 7023
for conversion shall be available: 7024

(1) Upon the death of the subscriber, to the surviving spouse 7025
with respect to the spouse or dependents who were then covered by 7026
the nongroup contract; 7027

(2) Upon the divorce, dissolution, or annulment of the 7028
marriage of the subscriber, to the divorced spouse, or, in the 7029
event of annulment, to the former spouse of the subscriber; 7030

(3) To a child solely with respect to the child, upon the 7031
child's attaining the limiting age of coverage under the nongroup 7032
contract while covered as a dependent under the contract. 7033

(C) The direct payment contract offered pursuant to division 7034
(B) of this section shall not be made available to an enrollee if 7035
any of the following applies: 7036

(1) The enrollee is, or is eligible to be, covered for 7037
benefits at least comparable to the nongroup contract under any of 7038
the following: 7039

(a) ~~The medical assistance program under Chapter 5111. of the~~ 7040
~~Revised Code Medicaid;~~ 7041

(b) ~~Title XVIII of the "Social Security Act," 49 Stat. 620~~ 7042

~~(1935), 42 U.S.C.A. 301, as amended~~ The children's buy-in program; 7043

(c) Medicare; 7044

(d) Any act of congress or law under this or any other state 7045
of the United States providing coverage at least comparable to the 7046
benefits offered under division (C)(1)(a) ~~or~~, (b), or (c) of this 7047
section. 7048

(2) The nongroup contract under which the enrollee was 7049
covered was terminated due to nonpayment of a premium rate. 7050

(3) The enrollee is eligible for group coverage provided by, 7051
or available through, an employer or association and the group 7052
coverage provides benefits comparable to the benefits provided 7053
under a direct payment contract. 7054

(D) The direct payment contract offered pursuant to division 7055
(B) of this section shall provide benefits that are at least 7056
comparable to the benefits provided by the nongroup contract under 7057
which the enrollee was covered at the time of the occurrence of 7058
any of the events set forth in division (B) of this section. The 7059
coverage provided under the direct payment contract shall be 7060
continuous, provided that the enrollee makes the required premium 7061
rate payment within the thirty-day period immediately following 7062
the occurrence of the event, and may be terminated for nonpayment 7063
of any required premium rate payment. 7064

(E) The evidence of coverage of every nongroup contract shall 7065
contain notice that an option for conversion to a contract issued 7066
on a direct-payment basis is available, in accordance with this 7067
section, to any enrollee covered by the contract. 7068

(F) Benefits otherwise payable to an enrollee under a direct 7069
payment contract shall be reduced by the amount of any benefits 7070
available to the enrollee under any applicable group health 7071
insuring corporation contract or group sickness and accident 7072
insurance policy. 7073

(G) Nothing in this section shall be construed as requiring a health insuring corporation to offer nongroup contracts.

(H) This section does not apply to any nongroup contract offering only supplemental health care services or specialty health care services.

Sec. 1751.18. (A)(1) No health insuring corporation shall cancel or fail to renew the coverage of a subscriber or enrollee because of any health status-related factor in relation to the subscriber or enrollee, the subscriber's or enrollee's requirements for health care services, or for any other reason designated under rules adopted by the superintendent of insurance.

(2) Unless otherwise required by state or federal law, no health insuring corporation, or health care facility or provider through which the health insuring corporation has made arrangements to provide health care services, shall discriminate against any individual with regard to enrollment, disenrollment, or the quality of health care services rendered, on the basis of the individual's race, color, sex, age, religion, military status as defined in section 4112.01 of the Revised Code, or status as a recipient of medicare or ~~medical assistance under Title XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended~~ medicaid, or any health status-related factor in relation to the individual. However, a health insuring corporation shall not be required to accept a recipient of medicare or medical assistance, if an agreement has not been reached on appropriate payment mechanisms between the health insuring corporation and the governmental agency administering these programs. Further, except during a period of open enrollment under section 1751.15 of the Revised Code, a health insuring corporation may reject an applicant for nongroup enrollment on the basis of any health status-related factor in relation to the applicant.

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(B) A health insuring corporation may cancel or decide not to
renew the coverage of an enrollee if the enrollee has performed an
act or practice that constitutes fraud or intentional
misrepresentation of material fact under the terms of the coverage
and if the cancellation or nonrenewal is not based, either
directly or indirectly, on any health status-related factor in
relation to the enrollee.

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(C) An enrollee may appeal any action or decision of a health
insuring corporation taken pursuant to section 2742(b) to (e) of
the "Health Insurance Portability and Accountability Act of 1996,"
Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-42, as
amended. To appeal, the enrollee may submit a written complaint to
the health insuring corporation pursuant to section 1751.19 of the
Revised Code. The enrollee may, within thirty days after receiving
a written response from the health insuring corporation, appeal
the health insuring corporation's action or decision to the
superintendent.

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(D) As used in this section, "health status-related factor"
means any of the following:

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(1) Health status;

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(2) Medical condition, including both physical and mental
illnesses;

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(3) Claims experience;

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(4) Receipt of health care;

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(5) Medical history;

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(6) Genetic information;

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(7) Evidence of insurability, including conditions arising
out of acts of domestic violence;

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(8) Disability.

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Sec. 1751.20. (A) No health insuring corporation, or agent, 7135
employee, or representative of a health insuring corporation, 7136
shall use any advertisement or solicitation document, or shall 7137
engage in any activity, that is unfair, untrue, misleading, or 7138
deceptive. 7139

(B) No health insuring corporation shall use a name that is 7140
deceptively similar to the name or description of any insurance or 7141
surety corporation doing business in this state. 7142

(C) All solicitation documents, advertisements, evidences of 7143
coverage, and enrollee identification cards used by a health 7144
insuring corporation shall contain the health insuring 7145
corporation's name. The use of a trade name, an insurance group 7146
designation, the name of a parent company, the name of a division 7147
of an affiliated insurance company, a service mark, a slogan, a 7148
symbol, or other device, without the name of the health insuring 7149
corporation as stated in its articles of incorporation, shall not 7150
satisfy this requirement if the usage would have the capacity and 7151
tendency to mislead or deceive persons as to the true identity of 7152
the health insuring corporation. 7153

(D) No solicitation document or advertisement used by a 7154
health insuring corporation shall contain any words, symbols, or 7155
physical materials that are so similar in content, phraseology, 7156
shape, color, or other characteristic to those used by an agency 7157
of the federal government or this state, that prospective 7158
enrollees may be led to believe that the solicitation document or 7159
advertisement is connected with an agency of the federal 7160
government or this state. 7161

(E) A health insuring corporation that provides basic health 7162
care services may use the phrase "health maintenance organization" 7163
or the abbreviation "HMO" in its marketing name, advertising, 7164
solicitation documents, or marketing literature, or in reference 7165

to the phrase "doing business as" or the abbreviation "DBA." 7166

(F) This section does not apply to the coverage of 7167
beneficiaries enrolled in ~~Title XVIII of the "Social Security~~ 7168
~~Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, medicare~~ 7169
pursuant to a medicare risk contract or medicare cost contract, or 7170
to the coverage of beneficiaries enrolled in the federal employee 7171
health benefits program pursuant to 5 U.S.C.A. 8905, or to the 7172
coverage of ~~beneficiaries enrolled in Title XIX of the "Social~~ 7173
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ 7174
~~known as the medical assistance program or medicaid, provided by~~ 7175
~~the Ohio department of job and family services under Chapter 5111.~~ 7176
~~of the Revised Code recipients, or to the coverage of participants~~ 7177
~~of the children's buy-in program,~~ or to the coverage of 7178
beneficiaries under any federal health care program regulated by a 7179
federal regulatory body, or to the coverage of beneficiaries under 7180
any contract covering officers or employees of the state that has 7181
been entered into by the department of administrative services. 7182

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Sec. 1751.31. (A) Any changes in a health insuring 7184
corporation's solicitation document shall be filed with the 7185
superintendent of insurance. The superintendent, within sixty days 7186
of filing, may disapprove any solicitation document or amendment 7187
to it on any of the grounds stated in this section. Such 7188
disapproval shall be effected by written notice to the health 7189
insuring corporation. The notice shall state the grounds for 7190
disapproval and shall be issued in accordance with Chapter 119. of 7191
the Revised Code. 7192

(B) The solicitation document shall contain all information 7193
necessary to enable a consumer to make an informed choice as to 7194
whether or not to enroll in the health insuring corporation. The 7195
information shall include a specific description of the health 7196

care services to be available and the approximate number and type 7197
of full-time equivalent medical practitioners. The information 7198
shall be presented in the solicitation document in a manner that 7199
is clear, concise, and intelligible to prospective applicants in 7200
the proposed service area. 7201

(C) Every potential applicant whose subscription to a health 7202
care plan is solicited shall receive, at or before the time of 7203
solicitation, a solicitation document approved by the 7204
superintendent. 7205

(D) Notwithstanding division (A) of this section, a health 7206
insuring corporation may use a solicitation document that the 7207
corporation uses in connection with policies for medicare 7208
~~beneficiaries of Title XVIII of the "Social Security Act," 49~~ 7209
~~Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ pursuant to a 7210
medicare risk contract or medicare cost contract, or for policies 7211
for beneficiaries of the federal employees health benefits program 7212
pursuant to 5 U.S.C.A. 8905, or for policies for ~~beneficiaries of~~ 7213
~~Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 7214
~~U.S.C.A. 301, as amended, known as the medical assistance program~~ 7215
~~or medicaid, provided by the department of job and family services~~ 7216
~~under Chapter 5111. of the Revised Code~~ recipients, or for 7217
policies for beneficiaries of any other federal health care 7218
program regulated by a federal regulatory body, or for policies 7219
for participants of the children's buy-in program, or for policies 7220
for beneficiaries of contracts covering officers or employees of 7221
the state entered into by the department of administrative 7222
services, if both of the following apply: 7223

(1) The solicitation document has been approved by the United 7224
States department of health and human services, the United States 7225
office of personnel management, the department of job and family 7226
services, or the department of administrative services. 7227

(2) The solicitation document is filed with the 7228

superintendent of insurance prior to use and is accompanied by 7229
documentation of approval from the United States department of 7230
health and human services, the United States office of personnel 7231
management, the department of job and family services, or the 7232
department of administrative services. 7233

(E) No health insuring corporation, or its agents or 7234
representatives, shall use monetary or other valuable 7235
consideration, engage in misleading or deceptive practices, or 7236
make untrue, misleading, or deceptive representations to induce 7237
enrollment. Nothing in this division shall prohibit incentive 7238
forms of remuneration such as commission sales programs for the 7239
health insuring corporation's employees and agents. 7240

(F) Any person obligated for any part of a premium rate in 7241
connection with an enrollment agreement, in addition to any right 7242
otherwise available to revoke an offer, may cancel such agreement 7243
within seventy-two hours after having signed the agreement or 7244
offer to enroll. Cancellation occurs when written notice of the 7245
cancellation is given to the health insuring corporation or its 7246
agents or other representatives. A notice of cancellation mailed 7247
to the health insuring corporation shall be considered to have 7248
been filed on its postmark date. 7249

(G) Nothing in this section shall prohibit healthy lifestyle 7250
programs. 7251

Sec. 1751.34. (A) Each health insuring corporation and each 7252
applicant for a certificate of authority under this chapter shall 7253
be subject to examination by the superintendent of insurance in 7254
accordance with section 3901.07 of the Revised Code. Section 7255
3901.07 of the Revised Code shall govern every aspect of the 7256
examination, including the circumstances under and frequency with 7257
which it is conducted, the authority of the superintendent and any 7258
examiner or other person appointed by the superintendent, the 7259

liability for the assessment of expenses incurred in conducting 7260
the examination, and the remittance of the assessment to the 7261
superintendent's examination fund. 7262

(B) The director of health shall make an examination 7263
concerning the matters subject to the director's consideration in 7264
section 1751.04 of the Revised Code as often as the director 7265
considers it necessary for the protection of the interests of the 7266
people of this state, but not less frequently than once every 7267
three years. The expenses of such examinations shall be assessed 7268
against the health insuring corporation being examined in the 7269
manner in which expenses of examinations are assessed against an 7270
insurance company under section 3901.07 of the Revised Code. 7271
Nothing in this division requires the director to make an 7272
examination of a any of the following: 7273

(1) A health insuring corporation that covers solely medicaid 7274
recipients of assistance under the medicaid program operated 7275
pursuant to Chapter 5111. of the Revised Code, a; 7276

(2) A health insuring corporation that covers solely 7277
recipients of assistance under the federal medicare program under 7278
Title XVIII of the "Social Security Act," 49 Stat. 62 (1935), 42 7279
U.S.C. 301, as amended, or a medicare beneficiaries; 7280

(3) A health insuring corporation that covers solely 7281
recipients of assistance under both the medicaid recipients and 7282
medicare programs beneficiaries; 7283

(4) A health insuring corporation that covers solely 7284
participants of the children's buy-in program; 7285

(5) A health insuring corporation that covers solely medicaid 7286
recipients and participants of the children's buy-in program; 7287

(6) A health insuring corporation that covers solely medicaid 7288
recipients, medicare beneficiaries, and participants of the 7289
children's buy-in program. 7290

(C) An examination, pursuant to section 3901.07 of the Revised Code, of an insurance company holding a certificate of authority under this chapter to organize and operate a health insuring corporation shall include an examination of the health insuring corporation pursuant to this section and the examination shall satisfy the requirements of divisions (A) and (B) of this section.

(D) The superintendent may conduct market conduct examinations pursuant to section 3901.011 of the Revised Code of any health insuring corporation as often as the superintendent considers it necessary for the protection of the interests of subscribers and enrollees. The expenses of such market conduct examinations shall be assessed against the health insuring corporation being examined. All costs, assessments, or fines collected under this division shall be paid into the state treasury to the credit of the department of insurance operating fund.

Sec. 1751.53. (A) As used in this section:

(1) "Group contract" means a group health insuring corporation contract covering employees that meets either of the following conditions:

(a) The contract was issued by an entity that, on ~~the effective date of this section~~ June 4, 1997, holds a certificate of authority or license to operate under Chapter 1738. or 1742. of the Revised Code, and covers an employee at the time the employee's employment is terminated.

(b) The contract is delivered, issued for delivery, or renewed in this state after ~~the effective date of this section~~ June 4, 1997, and covers an employee at the time the employee's employment is terminated.

(2) "Eligible employee" means an employee to whom all of the following apply:

(a) The employee has been continuously covered under a group contract or under the contract and any prior similar group coverage replaced by the contract, during the entire three-month period preceding the termination of the employee's employment.

(b) The employee is entitled, at the time of the termination of this employment, to unemployment compensation benefits under Chapter 4141. of the Revised Code.

(c) The employee is not, and does not become, covered by or eligible for coverage by medicare ~~under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.~~

(d) The employee is not, and does not become, covered by or eligible for coverage by any other insured or uninsured arrangement that provides hospital, surgical, or medical coverage for individuals in a group and under which the employee was not covered immediately prior to the termination of employment. A person eligible for continuation of coverage under this section, who is also eligible for coverage under section 3923.123 of the Revised Code, may elect either coverage, but not both. A person who elects continuation of coverage may elect any coverage available under section 3923.123 of the Revised Code upon the termination of the continuation of coverage.

(B) A group contract shall provide that any eligible employee may continue the coverage under the contract, for the employee and the employee's eligible dependents, for a period of six months after the date that the group coverage would otherwise terminate by reason of the termination of the employee's employment. Each certificate of coverage issued to employees under the contract shall include a notice of the employee's privilege of continuation.

(C) All of the following apply to the continuation of group coverage required under division (B) of this section:

(1) Continuation need not include any supplemental health care services benefits or specialty health care services benefits provided by the group contract.

(2) The employer shall notify the employee of the right of continuation at the time the employer notifies the employee of the termination of employment. The notice shall inform the employee of the amount of contribution required by the employer under division (C)(4) of this section.

(3) The employee shall file a written election of continuation with the employer and pay the employer the first contribution required under division (C)(4) of this section. The request and payment must be received by the employer no later than the earlier of any of the following dates:

(a) Thirty-one days after the date on which the employee's coverage would otherwise terminate;

(b) Ten days after the date on which the employee's coverage would otherwise terminate, if the employer has notified the employee of the right of continuation prior to this date;

(c) Ten days after the employer notifies the employee of the right of continuation, if the notice is given after the date on which the employee's coverage would otherwise terminate.

(4) The employee must pay to the employer, on a monthly basis, in advance, the amount of contribution required by the employer. The amount required shall not exceed the group rate for the insurance being continued under the policy on the due date of each payment.

(5) The employee's privilege to continue coverage and the coverage under any continuation ceases if any of the following

occurs:	7382
(a) The employee ceases to be an eligible employee under division (A)(2)(c) or (d) of this section;	7383 7384
(b) A period of six months expires after the date that the employee's coverage under the group contract would otherwise have terminated because of the termination of employment;	7385 7386 7387
(c) The employee fails to make a timely payment of a required contribution, in which event the coverage shall cease at the end of the coverage for which contributions were made;	7388 7389 7390
(d) The group contract is terminated, or the employer terminates participation under the contract, unless the employer replaces the coverage by similar coverage under another contract or other group health arrangement. If the employer replaces the contract with similar group health coverage, all of the following apply:	7391 7392 7393 7394 7395 7396
(i) The member shall be covered under the replacement coverage, for the balance of the period that the member would have remained covered under the terminated coverage if it had not been terminated.	7397 7398 7399 7400
(ii) The minimum level of benefits under the replacement coverage shall be the applicable level of benefits of the contract replaced reduced by any benefits payable under the contract replaced.	7401 7402 7403 7404
(iii) The contract replaced shall continue to provide benefits to the extent of its accrued liabilities and extensions of benefits as if the replacement had not occurred.	7405 7406 7407
(D) This section does not apply to any group contract offering only supplemental health care services or specialty health care services.	7408 7409 7410
Sec. 1751.60. (A) Except as provided for in divisions (E) and	7411

(F) of this section, every provider or health care facility that 7412
contracts with a health insuring corporation to provide health 7413
care services to the health insuring corporation's enrollees or 7414
subscribers shall seek compensation for covered services solely 7415
from the health insuring corporation and not, under any 7416
circumstances, from the enrollees or subscribers, except for 7417
approved copayments and deductibles. 7418

(B) No subscriber or enrollee of a health insuring 7419
corporation is liable to any contracting provider or health care 7420
facility for the cost of any covered health care services, if the 7421
subscriber or enrollee has acted in accordance with the evidence 7422
of coverage. 7423

(C) Except as provided for in divisions (E) and (F) of this 7424
section, every contract between a health insuring corporation and 7425
provider or health care facility shall contain a provision 7426
approved by the superintendent of insurance requiring the provider 7427
or health care facility to seek compensation solely from the 7428
health insuring corporation and not, under any circumstances, from 7429
the subscriber or enrollee, except for approved copayments and 7430
deductibles. 7431

(D) Nothing in this section shall be construed as preventing 7432
a provider or health care facility from billing the enrollee or 7433
subscriber of a health insuring corporation for noncovered 7434
services. 7435

(E) Upon application by a health insuring corporation and a 7436
provider or health care facility, the superintendent may waive the 7437
requirements of divisions (A) and (C) of this section when, in 7438
addition to the reserve requirements contained in section 1751.28 7439
of the Revised Code, the health insuring corporation provides 7440
sufficient assurances to the superintendent that the provider or 7441
health care facility has been provided with financial guarantees. 7442
No waiver of the requirements of divisions (A) and (C) of this 7443

section is effective as to enrollees or subscribers for whom the health insuring corporation is compensated under a provider agreement or risk contract entered into pursuant to Chapter 5111. or 5115. of the Revised Code or under the children's buy-in program.

(F) The requirements of divisions (A) to (C) of this section apply only to health care services provided to an enrollee or subscriber prior to the effective date of a termination of a contract between the health insuring corporation and the provider or health care facility.

Sec. 1751.89. Sections 1751.77 to 1751.85 of the Revised Code do not apply to either of the following:

(A) Coverage provided to beneficiaries enrolled in the medicare...+choice program operated under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;

(B) Coverage provided to medicaid recipients ~~of assistance under the medicaid program operated pursuant to Chapter 5111. of the Revised Code;~~

(C) Coverage provided to participants of the children's buy-in program.

Sec. 2743.49. (A)(1) In January of each odd-numbered year, the auditor of state, in accordance with this division and division (A)(2) of this section, shall adjust the actual dollar figure specified in division (E)(2)(b) of section 2743.48 of the Revised Code or the actual dollar amount determined pursuant to this section. The adjustment shall be based on the yearly average of the previous two years of the consumer price index for all urban consumers or its successive equivalent, as determined by the United States department of labor, bureau of labor statistics, or

its successor in responsibility, for all items, Series A. The 7474
~~auditor of state shall calculate the adjustment in the following~~ 7475
~~manner:~~ 7476

~~(a) First, using the yearly average for the immediately~~ 7477
~~preceding odd numbered year as the base year, the auditor of state~~ 7478
~~shall compare the most current average consumer price index with~~ 7479
~~that determined in the even numbered year immediately preceding~~ 7480
~~that odd numbered year and shall determine the percentage increase~~ 7481
~~or decrease. The auditor of state shall multiply the percentage~~ 7482
~~increase or decrease by the actual dollar figure specified in~~ 7483
~~division (E)(2)(b) of section 2743.48 of the Revised Code or the~~ 7484
~~actual dollar figure determined for the previous odd numbered year~~ 7485
~~under this section and shall add the product to or subtract the~~ 7486
~~product from its corresponding actual dollar figure, as~~ 7487
~~applicable, for the previous odd numbered year.~~ 7488

~~(b) Second, using~~ Using the yearly average for the 7489
immediately preceding even-numbered year as the base year, the 7490
auditor of state shall compare the most current average consumer 7491
price index with that determined in the preceding odd-numbered 7492
year ~~immediately preceding that even numbered year~~ and shall 7493
determine the percentage increase or decrease. The auditor of 7494
state shall multiply the percentage increase or decrease by the 7495
actual dollar figure specified in division (E)(2)(b) of section 7496
2743.48 of the Revised Code or the actual dollar figure determined 7497
under ~~division (A)(1)(a) of this section~~ for the previous 7498
~~even numbered~~ odd-numbered year and shall add the product to or 7499
subtract the product from its corresponding actual dollar figure, 7500
as applicable, for the previous odd-numbered year. ~~The resulting~~ 7501
~~figure is the adjusted dollar amount determined under this section~~ 7502
~~for purposes of this section and section 2743.48 of the Revised~~ 7503
~~Code.~~ 7504

(2) The auditor of state shall calculate the adjustment under 7505

division (A)(1) of this section on or before the thirty-first day 7506
of January of each odd-numbered year. The auditor of state shall 7507
base the adjustment on the most current consumer price index that 7508
is described in division (A)(1) of this section and that is in 7509
effect as of the first day of January of each odd-numbered year. 7510

(B)(1) The auditor of state shall certify the calculations 7511
made under division (A) of this section on or before the 7512
thirty-first day of January of each odd-numbered year. 7513

(2) On or before the fifteenth day of February of each 7514
odd-numbered year, the auditor of state shall prepare a report 7515
setting forth the amount that a wrongfully imprisoned individual 7516
is entitled to for each full year of imprisonment in the state 7517
correctional institution for the offense of which the wrongfully 7518
imprisoned individual was found guilty as provided in division 7519
(E)(2)(b) of section ~~2743.49~~ 2743.48 of the Revised Code and as 7520
calculated in accordance with this section. The report and all 7521
documents relating to the calculations contained in the report are 7522
public records. The report shall contain an indication of the 7523
period in which the calculated amount applies, a summary of how 7524
the amount was calculated, and a statement that the report and all 7525
related documents are available for inspection and copying at the 7526
office of the auditor of state. 7527

(3) On or before the fifteenth day of February of each 7528
odd-numbered year, the auditor of state shall transmit the report 7529
to the general assembly and to the court of claims. 7530

Sec. 2744.05. Notwithstanding any other provisions of the 7531
Revised Code or rules of a court to the contrary, in an action 7532
against a political subdivision to recover damages for injury, 7533
death, or loss to person or property caused by an act or omission 7534
in connection with a governmental or proprietary function: 7535

(A) Punitive or exemplary damages shall not be awarded. 7536

(B)(1) If a claimant receives or is entitled to receive 7537
benefits for injuries or loss allegedly incurred from a policy or 7538
policies of insurance or any other source, the benefits shall be 7539
disclosed to the court, and the amount of the benefits shall be 7540
deducted from any award against a political subdivision recovered 7541
by that claimant. No insurer or other person is entitled to bring 7542
an action under a subrogation provision in an insurance or other 7543
contract against a political subdivision with respect to those 7544
benefits. 7545

The amount of the benefits shall be deducted from an award 7546
against a political subdivision under division (B)(1) of this 7547
section regardless of whether the claimant may be under an 7548
obligation to pay back the benefits upon recovery, in whole or in 7549
part, for the claim. A claimant whose benefits have been deducted 7550
from an award under division (B)(1) of this section is not 7551
considered fully compensated and shall not be required to 7552
reimburse a subrogated claim for benefits deducted from an award 7553
pursuant to division (B)(1) of this section. 7554

(2) Nothing in division (B)(1) of this section shall be 7555
construed to do either of the following: 7556

(a) Limit the rights of a beneficiary under a life insurance 7557
policy or the rights of sureties under fidelity or surety bonds; 7558

(b) Prohibit the department of job and family services from 7559
recovering from the political subdivision, pursuant to section 7560
5101.58 of the Revised Code, the cost of medical assistance 7561
benefits provided under sections 5101.5211 to 5101.5216 or Chapter 7562
5107., 5111., or 5115. of the Revised Code. 7563

(C)(1) There shall not be any limitation on compensatory 7564
damages that represent the actual loss of the person who is 7565
awarded the damages. However, except in wrongful death actions 7566
brought pursuant to Chapter 2125. of the Revised Code, damages 7567

that arise from the same cause of action, transaction or 7568
occurrence, or series of transactions or occurrences and that do 7569
not represent the actual loss of the person who is awarded the 7570
damages shall not exceed two hundred fifty thousand dollars in 7571
favor of any one person. The limitation on damages that do not 7572
represent the actual loss of the person who is awarded the damages 7573
provided in this division does not apply to court costs that are 7574
awarded to a plaintiff, or to interest on a judgment rendered in 7575
favor of a plaintiff, in an action against a political 7576
subdivision. 7577

(2) As used in this division, "the actual loss of the person 7578
who is awarded the damages" includes all of the following: 7579

(a) All wages, salaries, or other compensation lost by the 7580
person injured as a result of the injury, including wages, 7581
salaries, or other compensation lost as of the date of a judgment 7582
and future expected lost earnings of the person injured; 7583

(b) All expenditures of the person injured or another person 7584
on behalf of the person injured for medical care or treatment, for 7585
rehabilitation services, or for other care, treatment, services, 7586
products, or accommodations that were necessary because of the 7587
injury; 7588

(c) All expenditures to be incurred in the future, as 7589
determined by the court, by the person injured or another person 7590
on behalf of the person injured for medical care or treatment, for 7591
rehabilitation services, or for other care, treatment, services, 7592
products, or accommodations that will be necessary because of the 7593
injury; 7594

(d) All expenditures of a person whose property was injured 7595
or destroyed or of another person on behalf of the person whose 7596
property was injured or destroyed in order to repair or replace 7597
the property that was injured or destroyed; 7598

(e) All expenditures of the person injured or of the person 7599
whose property was injured or destroyed or of another person on 7600
behalf of the person injured or of the person whose property was 7601
injured or destroyed in relation to the actual preparation or 7602
presentation of the claim involved; 7603

(f) Any other expenditures of the person injured or of the 7604
person whose property was injured or destroyed or of another 7605
person on behalf of the person injured or of the person whose 7606
property was injured or destroyed that the court determines 7607
represent an actual loss experienced because of the personal or 7608
property injury or property loss. 7609

"The actual loss of the person who is awarded the damages" 7610
does not include any fees paid or owed to an attorney for any 7611
services rendered in relation to a personal or property injury or 7612
property loss, and does not include any damages awarded for pain 7613
and suffering, for the loss of society, consortium, companionship, 7614
care, assistance, attention, protection, advice, guidance, 7615
counsel, instruction, training, or education of the person 7616
injured, for mental anguish, or for any other intangible loss. 7617

Sec. 2903.12. (A) No person, while under the influence of 7618
sudden passion or in a sudden fit of rage, either of which is 7619
brought on by serious provocation occasioned by the victim that is 7620
reasonably sufficient to incite the person into using deadly 7621
force, shall knowingly: 7622

(1) Cause serious physical harm to another or to another's 7623
unborn; 7624

(2) Cause or attempt to cause physical harm to another or to 7625
another's unborn by means of a deadly weapon or dangerous 7626
ordnance, as defined in section 2923.11 of the Revised Code. 7627

(B) Whoever violates this section is guilty of aggravated 7628

assault, a felony of the fourth degree. If the victim of the 7629
offense is a peace officer, an arson investigator, or an 7630
investigator of the bureau of criminal identification and 7631
investigation, aggravated assault is a felony of the third degree. 7632
If the victim of the offense is a peace officer, an arson 7633
investigator, or an investigator of the bureau of criminal 7634
identification and investigation, and if the victim suffered 7635
serious physical harm as a result of the commission of the 7636
offense, aggravated assault is a felony of the third degree, and 7637
the court, pursuant to division (F) of section 2929.13 of the 7638
Revised Code, shall impose as a mandatory prison term one of the 7639
prison terms prescribed for a felony of the third degree. 7640

(C) As used in this section: 7641

(1) "Investigator of the bureau of criminal identification 7642
and investigation" has the same meaning as in section 2903.11 of 7643
the Revised Code. 7644

(2) "Peace officer" has the same meaning as in section 7645
2935.01 of the Revised Code. 7646

Sec. 2903.213. (A) Except when the complaint involves a 7647
person who is a family or household member as defined in section 7648
2919.25 of the Revised Code, upon the filing of a complaint that 7649
alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 7650
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 7651
a municipal ordinance substantially similar to section 2903.13, 7652
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 7653
the commission of a sexually oriented offense, the complainant, 7654
the alleged victim, or a family or household member of an alleged 7655
victim may file a motion that requests the issuance of a 7656
protection order as a pretrial condition of release of the alleged 7657
offender, in addition to any bail set under Criminal Rule 46. The 7658
motion shall be filed with the clerk of the court that has 7659

jurisdiction of the case at any time after the filing of the 7660
complaint. If the complaint involves a person who is a family or 7661
household member, the complainant, the alleged victim, or the 7662
family or household member may file a motion for a temporary 7663
protection order pursuant to section 2919.26 of the Revised Code. 7664

(B) A motion for a protection order under this section shall 7665
be prepared on a form that is provided by the clerk of the court, 7666
and the form shall be substantially as follows: 7667

"Motion for Protection Order 7668

..... 7669

Name and address of court 7670

State of Ohio 7671

v. No. 7672

..... 7673

Name of Defendant 7674

(Name of person), moves the court to issue a protection order 7675
containing terms designed to ensure the safety and protection of 7676
the complainant or the alleged victim in the above-captioned case, 7677
in relation to the named defendant, pursuant to its authority to 7678
issue a protection order under section 2903.213 of the Revised 7679
Code. 7680

A complaint, a copy of which has been attached to this 7681
motion, has been filed in this court charging the named defendant 7682
with a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 7683
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 7684
a municipal ordinance substantially similar to section 2903.13, 7685
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 7686
the commission of a sexually oriented offense. 7687

I understand that I must appear before the court, at a time 7688
set by the court not later than the next day that the court is in 7689
session after the filing of this motion, for a hearing on the 7690

motion, and that any protection order granted pursuant to this 7691
motion is a pretrial condition of release and is effective only 7692
until the disposition of the criminal proceeding arising out of 7693
the attached complaint or until the issuance under section 7694
2903.214 of the Revised Code of a protection order arising out of 7695
the same activities as those that were the basis of the attached 7696
complaint. 7697

..... 7698

Signature of person 7699

..... 7700

Address of person" 7701

(C)(1) As soon as possible after the filing of a motion that 7702
requests the issuance of a protection order under this section, 7703
but not later than the next day that the court is in session after 7704
the filing of the motion, the court shall conduct a hearing to 7705
determine whether to issue the order. The person who requested the 7706
order shall appear before the court and provide the court with the 7707
information that it requests concerning the basis of the motion. 7708
If the court finds that the safety and protection of the 7709
complainant or the alleged victim may be impaired by the continued 7710
presence of the alleged offender, the court may issue a protection 7711
order under this section, as a pretrial condition of release, that 7712
contains terms designed to ensure the safety and protection of the 7713
complainant or the alleged victim, including a requirement that 7714
the alleged offender refrain from entering the residence, school, 7715
business, or place of employment of the complainant or the alleged 7716
victim. 7717

(2)(a) If the court issues a protection order under this 7718
section that includes a requirement that the alleged offender 7719
refrain from entering the residence, school, business, or place of 7720
employment of the complainant or the alleged victim, the order 7721

shall clearly state that the order cannot be waived or nullified 7722
by an invitation to the alleged offender from the complainant, the 7723
alleged victim, or a family or household member to enter the 7724
residence, school, business, or place of employment or by the 7725
alleged offender's entry into one of those places otherwise upon 7726
the consent of the complainant, the alleged victim, or a family or 7727
household member. 7728

(b) Division (C)(2)(a) of this section does not limit any 7729
discretion of a court to determine that an alleged offender 7730
charged with a violation of section 2919.27 of the Revised Code, 7731
with a violation of a municipal ordinance substantially equivalent 7732
to that section, or with contempt of court, which charge is based 7733
on an alleged violation of a protection order issued under this 7734
section, did not commit the violation or was not in contempt of 7735
court. 7736

(D)(1) Except when the complaint involves a person who is a 7737
family or household member as defined in section 2919.25 of the 7738
Revised Code, upon the filing of a complaint that alleges a 7739
violation specified in division (A) of this section, the court, 7740
upon its own motion, may issue a protection order under this 7741
section as a pretrial condition of release of the alleged offender 7742
if it finds that the safety and protection of the complainant or 7743
the alleged victim may be impaired by the continued presence of 7744
the alleged offender. 7745

(2) If the court issues a protection order under this section 7746
as an ex parte order, it shall conduct, as soon as possible after 7747
the issuance of the order but not later than the next day that the 7748
court is in session after its issuance, a hearing to determine 7749
whether the order should remain in effect, be modified, or be 7750
revoked. The hearing shall be conducted under the standards set 7751
forth in division (C) of this section. 7752

(3) If a municipal court or a county court issues a 7753

protection order under this section and if, subsequent to the 7754
issuance of the order, the alleged offender who is the subject of 7755
the order is bound over to the court of common pleas for 7756
prosecution of a felony arising out of the same activities as 7757
those that were the basis of the complaint upon which the order is 7758
based, notwithstanding the fact that the order was issued by a 7759
municipal court or county court, the order shall remain in effect, 7760
as though it were an order of the court of common pleas, while the 7761
charges against the alleged offender are pending in the court of 7762
common pleas, for the period of time described in division (E)(2) 7763
of this section, and the court of common pleas has exclusive 7764
jurisdiction to modify the order issued by the municipal court or 7765
county court. This division applies when the alleged offender is 7766
bound over to the court of common pleas as a result of the person 7767
waiving a preliminary hearing on the felony charge, as a result of 7768
the municipal court or county court having determined at a 7769
preliminary hearing that there is probable cause to believe that 7770
the felony has been committed and that the alleged offender 7771
committed it, as a result of the alleged offender having been 7772
indicted for the felony, or in any other manner. 7773

(E) A protection order that is issued as a pretrial condition 7774
of release under this section: 7775

(1) Is in addition to, but shall not be construed as a part 7776
of, any bail set under Criminal Rule 46; 7777

(2) Is effective only until the disposition, by the court 7778
that issued the order or, in the circumstances described in 7779
division (D)(3) of this section, by the court of common pleas to 7780
which the alleged offender is bound over for prosecution, of the 7781
criminal proceeding arising out of the complaint upon which the 7782
order is based or until the issuance under section 2903.214 of the 7783
Revised Code of a protection order arising out of the same 7784
activities as those that were the basis of the complaint filed 7785

under this section; 7786

(3) Shall not be construed as a finding that the alleged 7787
offender committed the alleged offense and shall not be introduced 7788
as evidence of the commission of the offense at the trial of the 7789
alleged offender on the complaint upon which the order is based. 7790

(F) A person who meets the criteria for bail under Criminal 7791
Rule 46 and who, if required to do so pursuant to that rule, 7792
executes or posts bond or deposits cash or securities as bail, 7793
shall not be held in custody pending a hearing before the court on 7794
a motion requesting a protection order under this section. 7795

(G)(1) A copy of a protection order that is issued under this 7796
section shall be issued by the court to the complainant, to the 7797
alleged victim, to the person who requested the order, to the 7798
defendant, and to all law enforcement agencies that have 7799
jurisdiction to enforce the order. The court shall direct that a 7800
copy of the order be delivered to the defendant on the same day 7801
that the order is entered. If a municipal court or a county court 7802
issues a protection order under this section and if, subsequent to 7803
the issuance of the order, the defendant who is the subject of the 7804
order is bound over to the court of common pleas for prosecution 7805
as described in division (D)(3) of this section, the municipal 7806
court or county court shall direct that a copy of the order be 7807
delivered to the court of common pleas to which the defendant is 7808
bound over. 7809

(2) Upon the issuance of a protection order under this 7810
section, the court shall provide the parties to the order with the 7811
following notice orally or by form: 7812

"NOTICE 7813

If you are convicted of a misdemeanor crime involving 7814
violence in which you are or were a spouse, intimate partner, 7815
parent, or guardian of the victim or are or were involved in 7816

another, similar relationship with the victim, it may be unlawful 7817
for you to possess or purchase a firearm, including a rifle, 7818
pistol, or revolver, or ammunition pursuant to federal law under 7819
18 U.S.C. 922(g)(9). If you have any questions whether this law 7820
makes it illegal for you to possess or purchase a firearm or 7821
ammunition, you should consult an attorney." 7822

(3) All law enforcement agencies shall establish and maintain 7823
an index for the protection orders delivered to the agencies 7824
pursuant to division (G)(1) of this section. With respect to each 7825
order delivered, each agency shall note on the index the date and 7826
time of the agency's receipt of the order. 7827

~~(3)~~(4) Regardless of whether the petitioner has registered 7828
the protection order in the county in which the officer's agency 7829
has jurisdiction, any officer of a law enforcement agency shall 7830
enforce a protection order issued pursuant to this section in 7831
accordance with the provisions of the order. 7832

(H) Upon a violation of a protection order issued pursuant to 7833
this section, the court may issue another protection order under 7834
this section, as a pretrial condition of release, that modifies 7835
the terms of the order that was violated. 7836

(I) Notwithstanding any provision of law to the contrary and 7837
regardless of whether a protection order is issued or a consent 7838
agreement is approved by a court of another county or by a court 7839
of another state, no court or unit of state or local government 7840
shall charge any fee, cost, deposit, or money in connection with 7841
the filing of a motion pursuant to this section, in connection 7842
with the filing, issuance, registration, or service of a 7843
protection order or consent agreement, or for obtaining certified 7844
copies of a protection order or consent agreement. 7845

(J) As used in this section, "sexually oriented offense" has 7846
the same meaning as in section 2950.01 of the Revised Code. 7847

Sec. 2903.214. (A) As used in this section:	7848
(1) "Court" means the court of common pleas of the county in which the person to be protected by the protection order resides.	7849 7850
(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	7851 7852
(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.	7853 7854
(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	7855 7856
(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	7857 7858
(B) The court has jurisdiction over all proceedings under this section.	7859 7860
(C) A person may seek relief under this section for the person, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state both of the following:	7861 7862 7863 7864 7865
(1) An allegation that the respondent engaged in a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order or committed a sexually oriented offense against the person to be protected by the protection order, including a description of the nature and extent of the violation;	7866 7867 7868 7869 7870 7871
(2) A request for relief under this section.	7872
(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day that the court is in session after the	7873 7874 7875 7876

petition is filed. The court, for good cause shown at the ex parte 7877
hearing, may enter any temporary orders, with or without bond, 7878
that the court finds necessary for the safety and protection of 7879
the person to be protected by the order. Immediate and present 7880
danger to the person to be protected by the protection order 7881
constitutes good cause for purposes of this section. Immediate and 7882
present danger includes, but is not limited to, situations in 7883
which the respondent has threatened the person to be protected by 7884
the protection order with bodily harm or in which the respondent 7885
previously has been convicted of or pleaded guilty to a violation 7886
of section 2903.211 of the Revised Code or a sexually oriented 7887
offense against the person to be protected by the protection 7888
order. 7889

(2)(a) If the court, after an ex parte hearing, issues a 7890
protection order described in division (E) of this section, the 7891
court shall schedule a full hearing for a date that is within ten 7892
court days after the ex parte hearing. The court shall give the 7893
respondent notice of, and an opportunity to be heard at, the full 7894
hearing. The court shall hold the full hearing on the date 7895
scheduled under this division unless the court grants a 7896
continuance of the hearing in accordance with this division. Under 7897
any of the following circumstances or for any of the following 7898
reasons, the court may grant a continuance of the full hearing to 7899
a reasonable time determined by the court: 7900

(i) Prior to the date scheduled for the full hearing under 7901
this division, the respondent has not been served with the 7902
petition filed pursuant to this section and notice of the full 7903
hearing. 7904

(ii) The parties consent to the continuance. 7905

(iii) The continuance is needed to allow a party to obtain 7906
counsel. 7907

(iv) The continuance is needed for other good cause. 7908

(b) An ex parte order issued under this section does not 7909
expire because of a failure to serve notice of the full hearing 7910
upon the respondent before the date set for the full hearing under 7911
division (D)(2)(a) of this section or because the court grants a 7912
continuance under that division. 7913

(3) If a person who files a petition pursuant to this section 7914
does not request an ex parte order, or if a person requests an ex 7915
parte order but the court does not issue an ex parte order after 7916
an ex parte hearing, the court shall proceed as in a normal civil 7917
action and grant a full hearing on the matter. 7918

(E)(1) After an ex parte or full hearing, the court may issue 7919
any protection order, with or without bond, that contains terms 7920
designed to ensure the safety and protection of the person to be 7921
protected by the protection order, including, but not limited to, 7922
a requirement that the respondent refrain from entering the 7923
residence, school, business, or place of employment of the 7924
petitioner or family or household member. If the court includes a 7925
requirement that the respondent refrain from entering the 7926
residence, school, business, or place of employment of the 7927
petitioner or family or household member in the order, it also 7928
shall include in the order provisions of the type described in 7929
division (E)(5) of this section. 7930

(2)(a) Any protection order issued pursuant to this section 7931
shall be valid until a date certain but not later than five years 7932
from the date of its issuance. 7933

(b) Any protection order issued pursuant to this section may 7934
be renewed in the same manner as the original order was issued. 7935

(3) A court may not issue a protection order that requires a 7936
petitioner to do or to refrain from doing an act that the court 7937
may require a respondent to do or to refrain from doing under 7938

division (E)(1) of this section unless all of the following apply: 7939

(a) The respondent files a separate petition for a protection 7940
order in accordance with this section. 7941

(b) The petitioner is served with notice of the respondent's 7942
petition at least forty-eight hours before the court holds a 7943
hearing with respect to the respondent's petition, or the 7944
petitioner waives the right to receive this notice. 7945

(c) If the petitioner has requested an ex parte order 7946
pursuant to division (D) of this section, the court does not delay 7947
any hearing required by that division beyond the time specified in 7948
that division in order to consolidate the hearing with a hearing 7949
on the petition filed by the respondent. 7950

(d) After a full hearing at which the respondent presents 7951
evidence in support of the request for a protection order and the 7952
petitioner is afforded an opportunity to defend against that 7953
evidence, the court determines that the petitioner has committed a 7954
violation of section 2903.211 of the Revised Code against the 7955
person to be protected by the protection order issued pursuant to 7956
this section, has committed a sexually oriented offense against 7957
the person to be protected by the protection order, or has 7958
violated a protection order issued pursuant to section 2903.213 of 7959
the Revised Code relative to the person to be protected by the 7960
protection order issued pursuant to this section. 7961

(4) No protection order issued pursuant to this section shall 7962
in any manner affect title to any real property. 7963

(5)(a) If the court issues a protection order under this 7964
section that includes a requirement that the alleged offender 7965
refrain from entering the residence, school, business, or place of 7966
employment of the petitioner or a family or household member, the 7967
order shall clearly state that the order cannot be waived or 7968
nullified by an invitation to the alleged offender from the 7969

complainant to enter the residence, school, business, or place of 7970
employment or by the alleged offender's entry into one of those 7971
places otherwise upon the consent of the petitioner or family or 7972
household member. 7973

(b) Division (E)(5)(a) of this section does not limit any 7974
discretion of a court to determine that an alleged offender 7975
charged with a violation of section 2919.27 of the Revised Code, 7976
with a violation of a municipal ordinance substantially equivalent 7977
to that section, or with contempt of court, which charge is based 7978
on an alleged violation of a protection order issued under this 7979
section, did not commit the violation or was not in contempt of 7980
court. 7981

(F)(1) The court shall cause the delivery of a copy of any 7982
protection order that is issued under this section to the 7983
petitioner, to the respondent, and to all law enforcement agencies 7984
that have jurisdiction to enforce the order. The court shall 7985
direct that a copy of the order be delivered to the respondent on 7986
the same day that the order is entered. 7987

(2) Upon the issuance of a protection order under this 7988
section, the court shall provide the parties to the order with the 7989
following notice orally or by form: 7990

"NOTICE 7991

As a result of this order, it may be unlawful for you to 7992
possess or purchase a firearm, including a rifle, pistol, or 7993
revolver, or ammunition pursuant to federal law under 18 U.S.C. 7994
922(g)(8). If you have any questions whether this law makes it 7995
illegal for you to possess or purchase a firearm or ammunition, 7996
you should consult an attorney." 7997

(3) All law enforcement agencies shall establish and maintain 7998
an index for the protection orders delivered to the agencies 7999
pursuant to division (F)(1) of this section. With respect to each 8000

order delivered, each agency shall note on the index the date and 8001
time that it received the order. 8002

~~(3)~~(4) Regardless of whether the petitioner has registered 8003
the protection order in the county in which the officer's agency 8004
has jurisdiction pursuant to division (M) of this section, any 8005
officer of a law enforcement agency shall enforce a protection 8006
order issued pursuant to this section by any court in this state 8007
in accordance with the provisions of the order, including removing 8008
the respondent from the premises, if appropriate. 8009

(G) Any proceeding under this section shall be conducted in 8010
accordance with the Rules of Civil Procedure, except that a 8011
protection order may be obtained under this section with or 8012
without bond. An order issued under this section, other than an ex 8013
parte order, that grants a protection order, or that refuses to 8014
grant a protection order, is a final, appealable order. The 8015
remedies and procedures provided in this section are in addition 8016
to, and not in lieu of, any other available civil or criminal 8017
remedies. 8018

(H) The filing of proceedings under this section does not 8019
excuse a person from filing any report or giving any notice 8020
required by section 2151.421 of the Revised Code or by any other 8021
law. 8022

(I) Any law enforcement agency that investigates an alleged 8023
violation of section 2903.211 of the Revised Code or an alleged 8024
commission of a sexually oriented offense shall provide 8025
information to the victim and the family or household members of 8026
the victim regarding the relief available under this section and 8027
section 2903.213 of the Revised Code. 8028

(J) Notwithstanding any provision of law to the contrary and 8029
regardless of whether a protection order is issued or a consent 8030
agreement is approved by a court of another county or by a court 8031

of another state, no court or unit of state or local government 8032
shall charge any fee, cost, deposit, or money in connection with 8033
the filing of a petition pursuant to this section, in connection 8034
with the filing, issuance, registration, or service of a 8035
protection order or consent agreement, or for obtaining a 8036
certified copy of a protection order or consent agreement. 8037

(K)(1) A person who violates a protection order issued under 8038
this section is subject to the following sanctions: 8039

(a) Criminal prosecution for a violation of section 2919.27 8040
of the Revised Code, if the violation of the protection order 8041
constitutes a violation of that section; 8042

(b) Punishment for contempt of court. 8043

(2) The punishment of a person for contempt of court for 8044
violation of a protection order issued under this section does not 8045
bar criminal prosecution of the person for a violation of section 8046
2919.27 of the Revised Code. However, a person punished for 8047
contempt of court is entitled to credit for the punishment imposed 8048
upon conviction of a violation of that section, and a person 8049
convicted of a violation of that section shall not subsequently be 8050
punished for contempt of court arising out of the same activity. 8051

(L) In all stages of a proceeding under this section, a 8052
petitioner may be accompanied by a victim advocate. 8053

(M)(1) A petitioner who obtains a protection order under this 8054
section or a protection order under section 2903.213 of the 8055
Revised Code may provide notice of the issuance or approval of the 8056
order to the judicial and law enforcement officials in any county 8057
other than the county in which the order is issued by registering 8058
that order in the other county pursuant to division (M)(2) of this 8059
section and filing a copy of the registered order with a law 8060
enforcement agency in the other county in accordance with that 8061
division. A person who obtains a protection order issued by a 8062

court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.

(2) A petitioner may register a protection order issued pursuant to this section or section 2903.213 of the Revised Code in a county other than the county in which the court that issued the order is located in the following manner:

(a) The petitioner shall obtain a certified copy of the order from the clerk of the court that issued the order and present that certified copy to the clerk of the court of common pleas or the clerk of a municipal court or county court in the county in which the order is to be registered.

(b) Upon accepting the certified copy of the order for registration, the clerk of the court of common pleas, municipal court, or county court shall place an endorsement of registration on the order and give the petitioner a copy of the order that bears that proof of registration.

(3) The clerk of each court of common pleas, municipal court, or county court shall maintain a registry of certified copies of protection orders that have been issued by courts in other counties pursuant to this section or section 2903.213 of the Revised Code and that have been registered with the clerk.

Sec. 2907.10. (A)(1) A peace officer, prosecutor, or public official shall not ask or require a victim of an alleged sex offense to submit to a polygraph examination as a condition to the investigation of the alleged sex offense, the filing of criminal charges with respect to the alleged sex offense, or the prosecution of the alleged perpetrator of the alleged sex offense.

(2) The refusal of the victim of an alleged sex offense to submit to a polygraph examination shall not prevent the investigation of the alleged sex offense, the filing of criminal charges with respect to the alleged sex offense, or the prosecution of the alleged perpetrator of the alleged sex offense. 8093
8094
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(3) The refusal of the victim of an alleged sex offense to submit to a polygraph examination shall not be commented on at trial or in any court proceeding. 8098
8099
8100

(B) As used in this section: 8101

(1) "Peace officer" has the same meaning as in section 2921.51 of the Revised Code. 8102
8103

(2) "Polygraph examination" means any mechanical or electrical instrument or device of any type used or allegedly used to examine, test, or question an individual for the purpose of determining the individual's truthfulness. 8104
8105
8106
8107

(3) "Prosecution" means the prosecution of criminal charges in a criminal prosecution or the prosecution of a delinquent child complaint in a delinquency proceeding. 8108
8109
8110

(4) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 8111
8112

(5) "Public official" has the same meaning as in section 117.01 of the Revised Code. 8113
8114

(6) "Sex offense" means a violation of any provision of sections 2907.02 to 2907.09 of the Revised Code. 8115
8116

Sec. 2915.101. Except as otherwise provided by law, a charitable organization that conducts instant bingo shall distribute the net profit from the proceeds of the sale of instant bingo as follows: 8117
8118
8119
8120

(A)(1) If a veteran's organization, a fraternal organization, 8121

or a sporting organization conducted the instant bingo, the 8122
organization shall distribute the net profit from the proceeds of 8123
the sale of instant bingo, as follows: 8124

(a) For the first ~~seventy-five~~ one hundred fifty thousand 8125
dollars, or a greater amount prescribed by the attorney general to 8126
adjust for changes in prices as measured by the consumer price 8127
index as defined in section 325.18 of the Revised Code and other 8128
factors affecting the organization's expenses as defined in 8129
division (LL) of section 2915.01 of the Revised Code, or less of 8130
net profit from the proceeds of the sale of instant bingo 8131
generated in a calendar year: 8132

(i) At least twenty-five per cent shall be distributed to an 8133
organization described in division (Z)(1) of section 2915.01 of 8134
the Revised Code or to a department or agency of the federal 8135
government, the state, or any political subdivision. 8136

(ii) Not more than seventy-five per cent may be deducted and 8137
retained by the organization for reimbursement of or for the 8138
organization's expenses, as defined in division (LL) of section 8139
2915.01 of the Revised Code, in conducting the instant bingo game. 8140

(b) For any net profit from the proceeds of the sale of 8141
instant bingo of more than ~~seventy-five~~ one hundred fifty thousand 8142
dollars or an adjusted amount generated in a calendar year: 8143

(i) A minimum of fifty per cent shall be distributed to an 8144
organization described in division (Z)(1) of section 2915.01 of 8145
the Revised Code or to a department or agency of the federal 8146
government, the state, or any political subdivision. 8147

(ii) Five per cent may be distributed for the organization's 8148
own charitable purposes or to a community action agency. 8149

(iii) Forty-five per cent may be deducted and retained by the 8150
organization for reimbursement of or for the organization's 8151
expenses, as defined in division (LL) of section 2915.01 of the 8152

Revised Code, in conducting the instant bingo game. 8153

(2) If a veteran's organization, a fraternal organization, or 8154
a sporting organization does not distribute the full percentages 8155
specified in divisions (A)(1)(a) and (b) of this section for the 8156
purposes specified in those divisions, the organization shall 8157
distribute the balance of the net profit from the proceeds of the 8158
sale of instant bingo not distributed or retained for those 8159
purposes to an organization described in division (Z)(1) of 8160
section 2915.01 of the Revised Code. 8161

(B) If a charitable organization other than a veteran's 8162
organization, a fraternal organization, or a sporting organization 8163
conducted the instant bingo, the organization shall distribute one 8164
hundred per cent of the net profit from the proceeds of the sale 8165
of instant bingo to an organization described in division (Z)(1) 8166
of section 2915.01 of the Revised Code or to a department or 8167
agency of the federal government, the state, or any political 8168
subdivision. 8169

(C) Nothing in this section prohibits a veteran's 8170
organization, a fraternal organization, or a sporting organization 8171
from distributing any net profit from the proceeds of the sale of 8172
instant bingo to an organization that is described in subsection 8173
501(c)(3) of the Internal Revenue Code when the organization that 8174
is described in subsection 501(c)(3) of the Internal Revenue Code 8175
is one that makes donations to other organizations and permits 8176
donors to advise or direct such donations so long as the donations 8177
comply with requirements established in or pursuant to subsection 8178
501(c)(3) of the Internal Revenue Code. 8179

Sec. 2919.26. (A)(1) Upon the filing of a complaint that 8180
alleges a violation of section 2909.06, 2909.07, 2911.12, or 8181
2911.211 of the Revised Code if the alleged victim of the 8182
violation was a family or household member at the time of the 8183

violation, a violation of a municipal ordinance that is 8184
substantially similar to any of those sections if the alleged 8185
victim of the violation was a family or household member at the 8186
time of the violation, any offense of violence if the alleged 8187
victim of the offense was a family or household member at the time 8188
of the commission of the offense, or any sexually oriented offense 8189
if the alleged victim of the offense was a family or household 8190
member at the time of the commission of the offense, the 8191
complainant, the alleged victim, or a family or household member 8192
of an alleged victim may file, or, if in an emergency the alleged 8193
victim is unable to file, a person who made an arrest for the 8194
alleged violation or offense under section 2935.03 of the Revised 8195
Code may file on behalf of the alleged victim, a motion that 8196
requests the issuance of a temporary protection order as a 8197
pretrial condition of release of the alleged offender, in addition 8198
to any bail set under Criminal Rule 46. The motion shall be filed 8199
with the clerk of the court that has jurisdiction of the case at 8200
any time after the filing of the complaint. 8201

(2) For purposes of section 2930.09 of the Revised Code, all 8202
stages of a proceeding arising out of a complaint alleging the 8203
commission of a violation, offense of violence, or sexually 8204
oriented offense described in division (A)(1) of this section, 8205
including all proceedings on a motion for a temporary protection 8206
order, are critical stages of the case, and a victim may be 8207
accompanied by a victim advocate or another person to provide 8208
support to the victim as provided in that section. 8209

(B) The motion shall be prepared on a form that is provided 8210
by the clerk of the court, which form shall be substantially as 8211
follows: 8212

"MOTION FOR TEMPORARY PROTECTION ORDER 8213
..... Court 8214
Name and address of court 8215

State of Ohio	8216
v.	No. 8217
.....	8218
Name of Defendant	8219
(name of person), moves the court to issue a temporary protection	8220
order containing terms designed to ensure the safety and	8221
protection of the complainant, alleged victim, and other family or	8222
household members, in relation to the named defendant, pursuant to	8223
its authority to issue such an order under section 2919.26 of the	8224
Revised Code.	8225
A complaint, a copy of which has been attached to this	8226
motion, has been filed in this court charging the named defendant	8227
with (name of the specified violation,	8228
the offense of violence, or sexually oriented offense charged) in	8229
circumstances in which the victim was a family or household member	8230
in violation of (section of the Revised Code designating the	8231
specified violation, offense of violence, or sexually oriented	8232
offense charged), or charging the named defendant with a violation	8233
of a municipal ordinance that is substantially similar to	8234
..... (section of the Revised Code designating	8235
the specified violation, offense of violence, or sexually oriented	8236
offense charged) involving a family or household member.	8237
I understand that I must appear before the court, at a time	8238
set by the court within twenty-four hours after the filing of this	8239
motion, for a hearing on the motion or that, if I am unable to	8240
appear because of hospitalization or a medical condition resulting	8241
from the offense alleged in the complaint, a person who can	8242
provide information about my need for a temporary protection order	8243
must appear before the court in lieu of my appearing in court. I	8244
understand that any temporary protection order granted pursuant to	8245
this motion is a pretrial condition of release and is effective	8246

only until the disposition of the criminal proceeding arising out 8247
of the attached complaint, or the issuance of a civil protection 8248
order or the approval of a consent agreement, arising out of the 8249
same activities as those that were the basis of the complaint, 8250
under section 3113.31 of the Revised Code. 8251
..... 8252
Signature of person 8253
(or signature of the arresting officer who filed the motion on 8254
behalf of the alleged victim) 8255
..... 8256
Address of person (or office address of the arresting officer who 8257
filed the motion on behalf of the alleged victim)" 8258
(C)(1) As soon as possible after the filing of a motion that 8259
requests the issuance of a temporary protection order, but not 8260
later than twenty-four hours after the filing of the motion, the 8261
court shall conduct a hearing to determine whether to issue the 8262
order. The person who requested the order shall appear before the 8263
court and provide the court with the information that it requests 8264
concerning the basis of the motion. If the person who requested 8265
the order is unable to appear and if the court finds that the 8266
failure to appear is because of the person's hospitalization or 8267
medical condition resulting from the offense alleged in the 8268
complaint, another person who is able to provide the court with 8269
the information it requests may appear in lieu of the person who 8270
requested the order. If the court finds that the safety and 8271
protection of the complainant, alleged victim, or any other family 8272
or household member of the alleged victim may be impaired by the 8273
continued presence of the alleged offender, the court may issue a 8274
temporary protection order, as a pretrial condition of release, 8275
that contains terms designed to ensure the safety and protection 8276
of the complainant, alleged victim, or the family or household 8277

member, including a requirement that the alleged offender refrain 8278
from entering the residence, school, business, or place of 8279
employment of the complainant, alleged victim, or the family or 8280
household member. 8281

(2)(a) If the court issues a temporary protection order that 8282
includes a requirement that the alleged offender refrain from 8283
entering the residence, school, business, or place of employment 8284
of the complainant, the alleged victim, or the family or household 8285
member, the order shall state clearly that the order cannot be 8286
waived or nullified by an invitation to the alleged offender from 8287
the complainant, alleged victim, or family or household member to 8288
enter the residence, school, business, or place of employment or 8289
by the alleged offender's entry into one of those places otherwise 8290
upon the consent of the complainant, alleged victim, or family or 8291
household member. 8292

(b) Division (C)(2)(a) of this section does not limit any 8293
discretion of a court to determine that an alleged offender 8294
charged with a violation of section 2919.27 of the Revised Code, 8295
with a violation of a municipal ordinance substantially equivalent 8296
to that section, or with contempt of court, which charge is based 8297
on an alleged violation of a temporary protection order issued 8298
under this section, did not commit the violation or was not in 8299
contempt of court. 8300

(D)(1) Upon the filing of a complaint that alleges a 8301
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the 8302
Revised Code if the alleged victim of the violation was a family 8303
or household member at the time of the violation, a violation of a 8304
municipal ordinance that is substantially similar to any of those 8305
sections if the alleged victim of the violation was a family or 8306
household member at the time of the violation, any offense of 8307
violence if the alleged victim of the offense was a family or 8308
household member at the time of the commission of the offense, or 8309

any sexually oriented offense if the alleged victim of the offense 8310
was a family or household member at the time of the commission of 8311
the offense, the court, upon its own motion, may issue a temporary 8312
protection order as a pretrial condition of release if it finds 8313
that the safety and protection of the complainant, alleged victim, 8314
or other family or household member of the alleged offender may be 8315
impaired by the continued presence of the alleged offender. 8316

(2) If the court issues a temporary protection order under 8317
this section as an ex parte order, it shall conduct, as soon as 8318
possible after the issuance of the order, a hearing in the 8319
presence of the alleged offender not later than the next day on 8320
which the court is scheduled to conduct business after the day on 8321
which the alleged offender was arrested or at the time of the 8322
appearance of the alleged offender pursuant to summons to 8323
determine whether the order should remain in effect, be modified, 8324
or be revoked. The hearing shall be conducted under the standards 8325
set forth in division (C) of this section. 8326

(3) An order issued under this section shall contain only 8327
those terms authorized in orders issued under division (C) of this 8328
section. 8329

(4) If a municipal court or a county court issues a temporary 8330
protection order under this section and if, subsequent to the 8331
issuance of the order, the alleged offender who is the subject of 8332
the order is bound over to the court of common pleas for 8333
prosecution of a felony arising out of the same activities as 8334
those that were the basis of the complaint upon which the order is 8335
based, notwithstanding the fact that the order was issued by a 8336
municipal court or county court, the order shall remain in effect, 8337
as though it were an order of the court of common pleas, while the 8338
charges against the alleged offender are pending in the court of 8339
common pleas, for the period of time described in division (E)(2) 8340
of this section, and the court of common pleas has exclusive 8341

jurisdiction to modify the order issued by the municipal court or 8342
county court. This division applies when the alleged offender is 8343
bound over to the court of common pleas as a result of the person 8344
waiving a preliminary hearing on the felony charge, as a result of 8345
the municipal court or county court having determined at a 8346
preliminary hearing that there is probable cause to believe that 8347
the felony has been committed and that the alleged offender 8348
committed it, as a result of the alleged offender having been 8349
indicted for the felony, or in any other manner. 8350

(E) A temporary protection order that is issued as a pretrial 8351
condition of release under this section: 8352

(1) Is in addition to, but shall not be construed as a part 8353
of, any bail set under Criminal Rule 46; 8354

(2) Is effective only until the occurrence of either of the 8355
following: 8356

(a) The disposition, by the court that issued the order or, 8357
in the circumstances described in division (D)(4) of this section, 8358
by the court of common pleas to which the alleged offender is 8359
bound over for prosecution, of the criminal proceeding arising out 8360
of the complaint upon which the order is based; 8361

(b) The issuance of a protection order or the approval of a 8362
consent agreement, arising out of the same activities as those 8363
that were the basis of the complaint upon which the order is 8364
based, under section 3113.31 of the Revised Code; 8365

(3) Shall not be construed as a finding that the alleged 8366
offender committed the alleged offense, and shall not be 8367
introduced as evidence of the commission of the offense at the 8368
trial of the alleged offender on the complaint upon which the 8369
order is based. 8370

(F) A person who meets the criteria for bail under Criminal 8371
Rule 46 and who, if required to do so pursuant to that rule, 8372

executes or posts bond or deposits cash or securities as bail, 8373
shall not be held in custody pending a hearing before the court on 8374
a motion requesting a temporary protection order. 8375

(G)(1) A copy of any temporary protection order that is 8376
issued under this section shall be issued by the court to the 8377
complainant, to the alleged victim, to the person who requested 8378
the order, to the defendant, and to all law enforcement agencies 8379
that have jurisdiction to enforce the order. The court shall 8380
direct that a copy of the order be delivered to the defendant on 8381
the same day that the order is entered. If a municipal court or a 8382
county court issues a temporary protection order under this 8383
section and if, subsequent to the issuance of the order, the 8384
defendant who is the subject of the order is bound over to the 8385
court of common pleas for prosecution as described in division 8386
(D)(4) of this section, the municipal court or county court shall 8387
direct that a copy of the order be delivered to the court of 8388
common pleas to which the defendant is bound over. 8389

(2) Upon the issuance of a protection order under this 8390
section, the court shall provide the parties to the order with the 8391
following notice orally or by form: 8392

"NOTICE 8393

If you are convicted of a misdemeanor crime involving 8394
violence in which you are or were a spouse, intimate partner, 8395
parent, or guardian of the victim or are or were involved in 8396
another, similar relationship with the victim, it may be unlawful 8397
for you to possess or purchase a firearm, including a rifle, 8398
pistol, or revolver, or ammunition pursuant to federal law under 8399
18 U.S.C. 922(g)(9). If you have any questions whether this law 8400
makes it illegal for you to possess or purchase a firearm or 8401
ammunition, you should consult an attorney." 8402

(3) All law enforcement agencies shall establish and maintain 8403
an index for the temporary protection orders delivered to the 8404

agencies pursuant to division (G)(1) of this section. With respect 8405
to each order delivered, each agency shall note on the index, the 8406
date and time of the receipt of the order by the agency. 8407

~~(3)~~(4) A complainant, alleged victim, or other person who 8409
obtains a temporary protection order under this section may 8410
provide notice of the issuance of the temporary protection order 8411
to the judicial and law enforcement officials in any county other 8412
than the county in which the order is issued by registering that 8413
order in the other county in accordance with division (N) of 8414
section 3113.31 of the Revised Code and filing a copy of the 8415
registered protection order with a law enforcement agency in the 8416
other county in accordance with that division. 8417

~~(4)~~(5) Any officer of a law enforcement agency shall enforce 8418
a temporary protection order issued by any court in this state in 8419
accordance with the provisions of the order, including removing 8420
the defendant from the premises, regardless of whether the order 8421
is registered in the county in which the officer's agency has 8422
jurisdiction as authorized by division (G)~~(3)~~(4) of this section. 8423

(H) Upon a violation of a temporary protection order, the 8424
court may issue another temporary protection order, as a pretrial 8425
condition of release, that modifies the terms of the order that 8426
was violated. 8427

(I)(1) As used in divisions (I)(1) and (2) of this section, 8428
"defendant" means a person who is alleged in a complaint to have 8429
committed a violation, offense of violence, or sexually oriented 8430
offense of the type described in division (A) of this section. 8431

(2) If a complaint is filed that alleges that a person 8432
committed a violation, offense of violence, or sexually oriented 8433
offense of the type described in division (A) of this section, the 8434
court may not issue a temporary protection order under this 8435

section that requires the complainant, the alleged victim, or 8436
another family or household member of the defendant to do or 8437
refrain from doing an act that the court may require the defendant 8438
to do or refrain from doing under a temporary protection order 8439
unless both of the following apply: 8440

(a) The defendant has filed a separate complaint that alleges 8441
that the complainant, alleged victim, or other family or household 8442
member in question who would be required under the order to do or 8443
refrain from doing the act committed a violation or offense of 8444
violence of the type described in division (A) of this section. 8445

(b) The court determines that both the complainant, alleged 8446
victim, or other family or household member in question who would 8447
be required under the order to do or refrain from doing the act 8448
and the defendant acted primarily as aggressors, that neither the 8449
complainant, alleged victim, or other family or household member 8450
in question who would be required under the order to do or refrain 8451
from doing the act nor the defendant acted primarily in 8452
self-defense, and, in accordance with the standards and criteria 8453
of this section as applied in relation to the separate complaint 8454
filed by the defendant, that it should issue the order to require 8455
the complainant, alleged victim, or other family or household 8456
member in question to do or refrain from doing the act. 8457

(J) Notwithstanding any provision of law to the contrary and 8458
regardless of whether a protection order is issued or a consent 8459
agreement is approved by a court of another county or a court of 8460
another state, no court or unit of state or local government shall 8461
charge any fee, cost, deposit, or money in connection with the 8462
filing of a motion pursuant to this section, in connection with 8463
the filing, issuance, registration, or service of a protection 8464
order or consent agreement, or for obtaining a certified copy of a 8465
protection order or consent agreement. 8466

(K) As used in this section: 8467

- (1) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 8468
8469
- (2) "Victim advocate" means a person who provides support and assistance for a victim of an offense during court proceedings. 8470
8471
- Sec. 2921.13.** (A) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies: 8472
8473
8474
- (1) The statement is made in any official proceeding. 8475
- (2) The statement is made with purpose to incriminate another. 8476
8477
- (3) The statement is made with purpose to mislead a public official in performing the public official's official function. 8478
8479
- (4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention, and contingency benefits and services; disability financial assistance; retirement benefits; economic development assistance, as defined in section 9.66 of the Revised Code; or other benefits administered by a governmental agency or paid out of a public treasury. 8480
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- (5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement. 8487
8488
8489
- (6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths. 8490
8491
- (7) The statement is in writing on or in connection with a report or return that is required or authorized by law. 8492
8493
- (8) The statement is in writing and is made with purpose to induce another to extend credit to or employ the offender, to confer any degree, diploma, certificate of attainment, award of 8494
8495
8496

excellence, or honor on the offender, or to extend to or bestow 8497
upon the offender any other valuable benefit or distinction, when 8498
the person to whom the statement is directed relies upon it to 8499
that person's detriment. 8500

(9) The statement is made with purpose to commit or 8501
facilitate the commission of a theft offense. 8502

(10) The statement is knowingly made to a probate court in 8503
connection with any action, proceeding, or other matter within its 8504
jurisdiction, either orally or in a written document, including, 8505
but not limited to, an application, petition, complaint, or other 8506
pleading, or an inventory, account, or report. 8507

(11) The statement is made on an account, form, record, 8508
stamp, label, or other writing that is required by law. 8509

(12) The statement is made in connection with the purchase of 8510
a firearm, as defined in section 2923.11 of the Revised Code, and 8511
in conjunction with the furnishing to the seller of the firearm of 8512
a fictitious or altered driver's or commercial driver's license or 8513
permit, a fictitious or altered identification card, or any other 8514
document that contains false information about the purchaser's 8515
identity. 8516

(13) The statement is made in a document or instrument of 8517
writing that purports to be a judgment, lien, or claim of 8518
indebtedness and is filed or recorded with the secretary of state, 8519
a county recorder, or the clerk of a court of record. 8520

(14) The statement is made with purpose to obtain an Ohio's 8521
best Rx program enrollment card under section 173.773 of the 8522
Revised Code or a payment under section 173.801 of the Revised 8523
Code. 8524

(15) The statement is made in an application filed with a 8525
county sheriff pursuant to section 2923.125 of the Revised Code in 8526
order to obtain or renew a license to carry a concealed handgun or 8527

is made in an affidavit submitted to a county sheriff to obtain a 8528
temporary emergency license to carry a concealed handgun under 8529
section 2923.1213 of the Revised Code. 8530

(16) The statement is required under section ~~5743.72~~ 5743.71 8531
of the Revised Code in connection with the person's purchase of 8532
cigarettes or tobacco products in a delivery sale. 8533

(B) No person, in connection with the purchase of a firearm, 8534
as defined in section 2923.11 of the Revised Code, shall knowingly 8535
furnish to the seller of the firearm a fictitious or altered 8536
driver's or commercial driver's license or permit, a fictitious or 8537
altered identification card, or any other document that contains 8538
false information about the purchaser's identity. 8539

(C) No person, in an attempt to obtain a license to carry a 8540
concealed handgun under section 2923.125 of the Revised Code, 8541
shall knowingly present to a sheriff a fictitious or altered 8542
document that purports to be certification of the person's 8543
competence in handling a handgun as described in division (B)(3) 8544
of section 2923.125 of the Revised Code. 8545

(D) It is no defense to a charge under division (A)(6) of 8546
this section that the oath or affirmation was administered or 8547
taken in an irregular manner. 8548

(E) If contradictory statements relating to the same fact are 8549
made by the offender within the period of the statute of 8550
limitations for falsification, it is not necessary for the 8551
prosecution to prove which statement was false but only that one 8552
or the other was false. 8553

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 8554
(6), (7), (8), (10), (11), (13), (14), or (16) of this section is 8555
guilty of falsification, a misdemeanor of the first degree. 8556

(2) Whoever violates division (A)(9) of this section is 8557
guilty of falsification in a theft offense. Except as otherwise 8558

provided in this division, falsification in a theft offense is a 8559
misdemeanor of the first degree. If the value of the property or 8560
services stolen is five hundred dollars or more and is less than 8561
five thousand dollars, falsification in a theft offense is a 8562
felony of the fifth degree. If the value of the property or 8563
services stolen is five thousand dollars or more and is less than 8564
one hundred thousand dollars, falsification in a theft offense is 8565
a felony of the fourth degree. If the value of the property or 8566
services stolen is one hundred thousand dollars or more, 8567
falsification in a theft offense is a felony of the third degree. 8568

(3) Whoever violates division (A)(12) or (B) of this section 8569
is guilty of falsification to purchase a firearm, a felony of the 8570
fifth degree. 8571

(4) Whoever violates division (A)(15) or (C) of this section 8572
is guilty of falsification to obtain a concealed handgun license, 8573
a felony of the fourth degree. 8574

(G) A person who violates this section is liable in a civil 8575
action to any person harmed by the violation for injury, death, or 8576
loss to person or property incurred as a result of the commission 8577
of the offense and for reasonable attorney's fees, court costs, 8578
and other expenses incurred as a result of prosecuting the civil 8579
action commenced under this division. A civil action under this 8580
division is not the exclusive remedy of a person who incurs 8581
injury, death, or loss to person or property as a result of a 8582
violation of this section. 8583

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of the 8584
Revised Code: 8585

(A) "Deadly weapon" means any instrument, device, or thing 8586
capable of inflicting death, and designed or specially adapted for 8587
use as a weapon, or possessed, carried, or used as a weapon. 8588

(B)(1) "Firearm" means any deadly weapon capable of expelling 8589
or propelling one or more projectiles by the action of an 8590
explosive or combustible propellant. "Firearm" includes an 8591
unloaded firearm, and any firearm that is inoperable but that can 8592
readily be rendered operable. 8593

(2) When determining whether a firearm is capable of 8594
expelling or propelling one or more projectiles by the action of 8595
an explosive or combustible propellant, the trier of fact may rely 8596
upon circumstantial evidence, including, but not limited to, the 8597
representations and actions of the individual exercising control 8598
over the firearm. 8599

(C) "Handgun" means any of the following: 8600

(1) Any firearm that has a short stock and is designed to be 8601
held and fired by the use of a single hand; 8602

(2) Any combination of parts from which a firearm of a type 8603
described in division (C)(1) of this section can be assembled. 8604

(D) "Semi-automatic firearm" means any firearm designed or 8605
specially adapted to fire a single cartridge and automatically 8606
chamber a succeeding cartridge ready to fire, with a single 8607
function of the trigger. 8608

(E) "Automatic firearm" means any firearm designed or 8609
specially adapted to fire a succession of cartridges with a single 8610
function of the trigger. "Automatic firearm" also means any 8611
semi-automatic firearm designed or specially adapted to fire more 8612
than thirty-one cartridges without reloading, other than a firearm 8613
chambering only .22 caliber short, long, or long-rifle cartridges. 8614

(F) "Sawed-off firearm" means a shotgun with a barrel less 8615
than eighteen inches long, or a rifle with a barrel less than 8616
sixteen inches long, or a shotgun or rifle less than twenty-six 8617
inches long overall. 8618

(G) "Zip-gun" means any of the following:	8619
(1) Any firearm of crude and extemporized manufacture;	8620
(2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;	8621 8622 8623
(3) Any industrial tool, signalling device, or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried, or used as a firearm.	8624 8625 8626
(H) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.	8627 8628 8629 8630 8631 8632 8633 8634
(I) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.	8635 8636 8637 8638
(J) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.	8639 8640
(K) "Dangerous ordnance" means any of the following, except as provided in division (L) of this section:	8641 8642
(1) Any automatic or sawed-off firearm, zip-gun, or ballistic knife;	8643 8644
(2) Any explosive device or incendiary device;	8645
(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol, and other high	8646 8647 8648

explosive compositions; plastic explosives; dynamite, blasting
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gelatin, gelatin dynamite, sensitized ammonium nitrate,
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liquid-oxygen blasting explosives, blasting powder, and other
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blasting agents; and any other explosive substance having
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sufficient brisance or power to be particularly suitable for use
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as a military explosive, or for use in mining, quarrying,
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excavating, or demolitions;
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(4) Any firearm, rocket launcher, mortar, artillery piece,
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grenade, mine, bomb, torpedo, or similar weapon, designed and
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manufactured for military purposes, and the ammunition for that
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weapon;
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(5) Any firearm muffler or silencer;
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(6) Any combination of parts that is intended by the owner
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for use in converting any firearm or other device into a dangerous
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ordnance.
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(L) "Dangerous ordnance" does not include any of the
8664
following:
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(1) Any firearm, including a military weapon and the
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ammunition for that weapon, and regardless of its actual age, that
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employs a percussion cap or other obsolete ignition system, or
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that is designed and safe for use only with black powder;
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(2) Any pistol, rifle, or shotgun, designed or suitable for
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sporting purposes, including a military weapon as issued or as
8671
modified, and the ammunition for that weapon, unless the firearm
8672
is an automatic or sawed-off firearm;
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(3) Any cannon or other artillery piece that, regardless of
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its actual age, is of a type in accepted use prior to 1887, has no
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mechanical, hydraulic, pneumatic, or other system for absorbing
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recoil and returning the tube into battery without displacing the
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carriage, and is designed and safe for use only with black powder;
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(4) Black powder, priming quills, and percussion caps 8679
possessed and lawfully used to fire a cannon of a type defined in 8680
division (L)(3) of this section during displays, celebrations, 8681
organized matches or shoots, and target practice, and smokeless 8682
and black powder, primers, and percussion caps possessed and 8683
lawfully used as a propellant or ignition device in small-arms or 8684
small-arms ammunition; 8685

(5) Dangerous ordnance that is inoperable or inert and cannot 8686
readily be rendered operable or activated, and that is kept as a 8687
trophy, souvenir, curio, or museum piece. 8688

(6) Any device that is expressly excepted from the definition 8689
of a destructive device pursuant to the "Gun Control Act of 1968," 8690
82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations 8691
issued under that act. 8692

(M) "Explosive" means any chemical compound, mixture, or 8693
device, the primary or common purpose of which is to function by 8694
explosion. "Explosive" includes all materials that have been 8695
classified as ~~class A, class B, or class C~~ division 1.1, division 8696
1.2, division 1.3, or division 1.4 explosives by the United States 8697
department of transportation in its regulations and includes, but 8698
is not limited to, dynamite, black powder, pellet powders, 8699
initiating explosives, blasting caps, electric blasting caps, 8700
safety fuses, fuse igniters, squibs, cordeau detonant fuses, 8701
instantaneous fuses, and igniter cords and igniters. "Explosive" 8702
does not include "fireworks," as defined in section 3743.01 of the 8703
Revised Code, or any substance or material otherwise meeting the 8704
definition of explosive that is not subject to regulation under 8705
set forth in this section that is manufactured, sold, possessed, 8706
transported, stored, or used in any activity described in section 8707
3743.80 of the Revised Code, provided the activity is conducted in 8708
accordance with all applicable laws, rules, and regulations, 8709
including, but not limited to, the provisions of section 3743.80 8710

of the Revised Code and the rules of the fire marshal adopted 8711
pursuant to section 3737.82 of the Revised Code. 8712

Sec. 2943.033. (A) As used in this section, "person living as 8713
a spouse" means a person who is living or has lived with the 8714
defendant in a common law marital relationship, who otherwise is 8715
cohabiting with the defendant, or who otherwise has cohabited with 8716
the defendant within five years prior to the date of the alleged 8717
commission of the act in question. 8718

(B) The notice required under division (C) of this section 8719
shall be provided to a defendant when the alleged victim is any of 8720
the following: 8721

(1) A spouse, person living as a spouse, or former spouse of 8722
the defendant; 8723

(2) A parent or child of the defendant; 8724

(3) A parent or child of a spouse, person living as a spouse, 8725
or former spouse of the defendant; 8726

(4) The natural parent of any child of whom the defendant is 8727
the other natural or putative natural parent. 8728

(C) Prior to accepting a guilty plea or plea of no contest to 8729
an indictment, information, or complaint that charges a person 8730
with a misdemeanor offense of violence, the court shall inform the 8731
defendant either personally or in writing that under 18 U.S.C. 8732
922(g)(9) it may be unlawful for the person to ship, transport, 8733
purchase, or possess a firearm or ammunition as a result of any 8734
conviction for a misdemeanor offense of violence. The plea may not 8735
be vacated based on a failure to inform the person so charged 8736
regarding the restrictions under 18 U.S.C. 922(g)(9). 8737

Sec. 2949.092. If a person is convicted of or pleads guilty 8738
to an offense and the court specifically is required, pursuant to 8739

section 2743.70, 2949.091, ~~or 2949.093~~, or 2949.094 of the Revised Code or pursuant to any other section of the Revised Code to impose a specified sum of money as costs in the case in addition to any other costs that the court is required or permitted by law to impose in the case, the court shall not waive the payment of the specified additional court costs that the section of the Revised Code specifically requires the court to impose unless the court determines that the offender is indigent and the court waives the payment of all court costs imposed upon the offender.

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

The clerk of the court shall transmit thirty-five per cent of all additional court costs collected pursuant to this division during a month on or before the twenty-third 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 fifteen per cent of all additional court costs so collected during a month on or before the twenty-third 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 or before the twenty-third 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. 8772

(B) The juvenile court in which a child is found to be a 8773
juvenile traffic offender for an act that is a moving violation 8774
shall impose an additional court cost of ten dollars upon the 8775
juvenile traffic offender. The juvenile court shall not waive the 8776
payment of the ten dollars unless the court determines that the 8777
juvenile is indigent and waives the payment of all court costs 8778
imposed upon the indigent offender. 8779

The clerk of the court shall transmit thirty-five per cent of 8780
all additional court costs collected pursuant to this division 8781
during a month on or before the twenty-third day of the following 8782
month to the division of criminal justice services, and the 8783
division of criminal justice services shall deposit the money so 8784
transmitted into the drug law enforcement fund created under 8785
section 5502.68 of the Revised Code. The clerk shall transmit 8786
fifteen per cent of all additional court costs so collected during 8787
a month on or before the twenty-third day of the following month 8788
to the state treasury to be credited to the indigent drivers 8789
alcohol treatment fund created under that section 4511.191 of the 8790
Revised Code and to be distributed by the department of alcohol 8791
and drug addiction services as provided in division (H) of that 8792
section. The clerk shall transmit fifty per cent of all additional 8793
court costs so collected during a month on or before the 8794
twenty-third day of the following month to the state treasury to 8795
be credited to the indigent defense support fund created pursuant 8796
to section 120.08 of the Revised Code. 8797

(C) Whenever a person is charged with any offense that is a 8798
moving violation and posts bail, the court shall add to the amount 8799
of the bail the ten dollars required to be paid by division (A) of 8800
this section. The clerk of the court shall retain the ten dollars 8801
until the person is convicted, pleads guilty, forfeits bail, is 8802
found not guilty, or has the charges dismissed. If the person is 8803

convicted, pleads guilty, or forfeits bail, the clerk shall 8804
transmit three and fifty cents out of the ten dollars to the 8805
division of criminal justice services, and the division of 8806
criminal justice services shall deposit the money so transmitted 8807
into the drug law enforcement fund created under section 5502.68 8808
of the Revised Code, the clerk shall transmit one dollar and fifty 8809
cents out of the ten dollars to the state treasury to be credited 8810
to the indigent drivers alcohol treatment fund created under 8811
section 4511.191 of the Revised Code and to be distributed by the 8812
department of alcohol and drug addiction services as provided in 8813
division (H) of that section, and the clerk shall transmit five 8814
dollars out of the ten dollars to the state treasury to be 8815
credited to the indigent defense support fund created under 8816
section 120.08 of the Revised Code. If the person is found not 8817
guilty or the charges are dismissed, the clerk shall return the 8818
ten dollars to the person. 8819

(D) No person shall be placed or held in a detention facility 8820
for failing to pay the court cost or bail that is required to be 8821
paid by this section. 8822

(E) As used in this section: 8823

(1) "Bail" and "moving violation" have the same meanings as 8824
in section 2949.093 of the Revised Code. 8825

(2) "Detention facility" has the same meaning as in section 8826
2921.01 of the Revised Code. 8827

(3) "Division of criminal justice services" means the 8828
division of criminal justice services of the department of public 8829
safety, created by section 5502.62 of the Revised Code. 8830

Sec. 3107.018. (A) A prospective adoptive parent may apply to 8831
the department of job and family services for a loan from the 8832
state adoption assistance loan fund created under section 5101.143 8833

of the Revised Code. Subject to available funds, the department 8834
may approve a state adoption assistance loan application, in whole 8835
or in part, or deny the application. In reviewing a loan 8836
application submitted to the department, the department shall 8837
consider the financial need of the prospective adoptive parent in 8838
determining whether to approve a loan application, in whole or in 8839
part, or deny the application. If the department approves a loan 8840
application, in whole or in part, and the child being adopted 8841
resides in Ohio, the department shall loan a prospective adoptive 8842
parent not more than three thousand dollars from the state 8843
adoption assistance loan fund. If the department approves a loan 8844
application, in whole or in part, and the child being adopted does 8845
not reside in Ohio, the department shall loan a prospective 8846
adoptive parent not more than two thousand dollars from the state 8847
adoption assistance loan fund. 8848

(B) A prospective adoptive parent who receives a loan under 8849
division (A) of this section shall use that loan for only a 8850
disbursement listed under division (C) of section 3107.055 of the 8851
Revised Code or an expense related to adopting from the public 8852
child welfare system. 8853

(C) This section applies to adoptions arranged by an attorney 8854
or by any public or private organization certified, licensed, or 8855
otherwise specially empowered by law or rule to place minors for 8856
adoption. 8857

Sec. 3111.04. (A) An action to determine the existence or 8858
nonexistence of the father and child relationship may be brought 8859
by the child or the child's personal representative, the child's 8860
mother or her personal representative, a man alleged or alleging 8861
himself to be the child's father, the child support enforcement 8862
agency of the county in which the child resides if the child's 8863
mother, father, or alleged father is a recipient of public 8864

assistance or of services under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the alleged father's personal representative.

(B) An agreement does not bar an action under this section.

(C) If an action under this section is brought before the birth of the child and if the action is contested, all proceedings, except service of process and the taking of depositions to perpetuate testimony, may be stayed until after the birth.

(D) A recipient of public assistance or of services under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, shall cooperate with the child support enforcement agency of the county in which a child resides to obtain an administrative determination pursuant to sections 3111.38 to 3111.54 of the Revised Code, or, if necessary, a court determination pursuant to sections 3111.01 to 3111.18 of the Revised Code, of the existence or nonexistence of a parent and child relationship between the father and the child. If the recipient fails to cooperate, the agency may commence an action to determine the existence or nonexistence of a parent and child relationship between the father and the child pursuant to sections 3111.01 to 3111.18 of the Revised Code.

(E) As used in this section, "public assistance" means ~~medical assistance~~ all of the following:

(1) Medicaid under Chapter 5111. of the Revised Code, ~~assistance;~~

(2) Ohio works first under Chapter 5107. of the Revised Code, ~~disability;~~

(3) Disability financial assistance under Chapter 5115. of the Revised Code, ~~or disability;~~

(4) Disability medical assistance under Chapter 5115. of the Revised Code; 8895
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(5) Children's buy-in program under sections 5101.5211 to 5101.5216 of the Revised Code. 8897
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Sec. 3113.06. No father, or mother when she is charged with the maintenance, of a child under eighteen years of age, or a mentally or physically handicapped child under age twenty-one, who is legally a ward of a public children services agency or is the recipient of aid pursuant to sections 5101.5211 to 5101.5216 or Chapter 5107. or 5115. of the Revised Code, shall neglect or refuse to pay such agency the reasonable cost of maintaining such child when such father or mother is able to do so by reason of property, labor, or earnings. 8899
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An offense under this section shall be held committed in the county in which the agency is located. The agency shall file charges against any parent who violates this section, unless the agency files charges under section 2919.21 of the Revised Code, or unless charges of nonsupport are filed by a relative or guardian of the child, or unless an action to enforce support is brought under Chapter 3115. of the Revised Code. 8908
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Sec. 3113.31. (A) As used in this section: 8915

(1) "Domestic violence" means the occurrence of one or more of the following acts against a family or household member: 8916
8917

(a) Attempting to cause or recklessly causing bodily injury; 8918

(b) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code; 8919
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(c) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 8922
8923

2151.031 of the Revised Code;	8924
(d) Committing a sexually oriented offense.	8925
(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division, and the court of common pleas in counties that do not have a domestic relations division.	8926 8927 8928 8929
(3) "Family or household member" means any of the following:	8930
(a) Any of the following who is residing with or has resided with the respondent:	8931 8932
(i) A spouse, a person living as a spouse, or a former spouse of the respondent;	8933 8934
(ii) A parent or a child of the respondent, or another person related by consanguinity or affinity to the respondent;	8935 8936
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.	8937 8938 8939 8940
(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.	8941 8942
(4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.	8943 8944 8945 8946 8947 8948
(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	8949 8950
(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	8951 8952

(B) The court has jurisdiction over all proceedings under 8953
this section. The petitioner's right to relief under this section 8954
is not affected by the petitioner's leaving the residence or 8955
household to avoid further domestic violence. 8956

(C) A person may seek relief under this section on the 8957
person's own behalf, or any parent or adult household member may 8958
seek relief under this section on behalf of any other family or 8959
household member, by filing a petition with the court. The 8960
petition shall contain or state: 8961

(1) An allegation that the respondent engaged in domestic 8962
violence against a family or household member of the respondent, 8963
including a description of the nature and extent of the domestic 8964
violence; 8965

(2) The relationship of the respondent to the petitioner, and 8966
to the victim if other than the petitioner; 8967

(3) A request for relief under this section. 8968

(D)(1) If a person who files a petition pursuant to this 8969
section requests an ex parte order, the court shall hold an ex 8970
parte hearing on the same day that the petition is filed. The 8971
court, for good cause shown at the ex parte hearing, may enter any 8972
temporary orders, with or without bond, including, but not limited 8973
to, an order described in division (E)(1)(a), (b), or (c) of this 8974
section, that the court finds necessary to protect the family or 8975
household member from domestic violence. Immediate and present 8976
danger of domestic violence to the family or household member 8977
constitutes good cause for purposes of this section. Immediate and 8978
present danger includes, but is not limited to, situations in 8979
which the respondent has threatened the family or household member 8980
with bodily harm, in which the respondent has threatened the 8981
family or household member with a sexually oriented offense, or in 8982
which the respondent previously has been convicted of or pleaded 8983

guilty to an offense that constitutes domestic violence against 8984
the family or household member. 8985

(2)(a) If the court, after an ex parte hearing, issues an 8986
order described in division (E)(1)(b) or (c) of this section, the 8987
court shall schedule a full hearing for a date that is within 8988
seven court days after the ex parte hearing. If any other type of 8989
protection order that is authorized under division (E) of this 8990
section is issued by the court after an ex parte hearing, the 8991
court shall schedule a full hearing for a date that is within ten 8992
court days after the ex parte hearing. The court shall give the 8993
respondent notice of, and an opportunity to be heard at, the full 8994
hearing. The court shall hold the full hearing on the date 8995
scheduled under this division unless the court grants a 8996
continuance of the hearing in accordance with this division. Under 8997
any of the following circumstances or for any of the following 8998
reasons, the court may grant a continuance of the full hearing to 8999
a reasonable time determined by the court: 9000

(i) Prior to the date scheduled for the full hearing under 9001
this division, the respondent has not been served with the 9002
petition filed pursuant to this section and notice of the full 9003
hearing. 9004

(ii) The parties consent to the continuance. 9005

(iii) The continuance is needed to allow a party to obtain 9006
counsel. 9007

(iv) The continuance is needed for other good cause. 9008

(b) An ex parte order issued under this section does not 9009
expire because of a failure to serve notice of the full hearing 9010
upon the respondent before the date set for the full hearing under 9011
division (D)(2)(a) of this section or because the court grants a 9012
continuance under that division. 9013

(3) If a person who files a petition pursuant to this section 9014

does not request an ex parte order, or if a person requests an ex 9015
parte order but the court does not issue an ex parte order after 9016
an ex parte hearing, the court shall proceed as in a normal civil 9017
action and grant a full hearing on the matter. 9018

(E)(1) After an ex parte or full hearing, the court may grant 9019
any protection order, with or without bond, or approve any consent 9020
agreement to bring about a cessation of domestic violence against 9021
the family or household members. The order or agreement may: 9022

(a) Direct the respondent to refrain from abusing or from 9023
committing sexually oriented offenses against the family or 9024
household members; 9025

(b) Grant possession of the residence or household to the 9026
petitioner or other family or household member, to the exclusion 9027
of the respondent, by evicting the respondent, when the residence 9028
or household is owned or leased solely by the petitioner or other 9029
family or household member, or by ordering the respondent to 9030
vacate the premises, when the residence or household is jointly 9031
owned or leased by the respondent, and the petitioner or other 9032
family or household member; 9033

(c) When the respondent has a duty to support the petitioner 9034
or other family or household member living in the residence or 9035
household and the respondent is the sole owner or lessee of the 9036
residence or household, grant possession of the residence or 9037
household to the petitioner or other family or household member, 9038
to the exclusion of the respondent, by ordering the respondent to 9039
vacate the premises, or, in the case of a consent agreement, allow 9040
the respondent to provide suitable, alternative housing; 9041

(d) Temporarily allocate parental rights and responsibilities 9042
for the care of, or establish temporary parenting time rights with 9043
regard to, minor children, if no other court has determined, or is 9044
determining, the allocation of parental rights and 9045

responsibilities for the minor children or parenting time rights; 9046

(e) Require the respondent to maintain support, if the 9047
respondent customarily provides for or contributes to the support 9048
of the family or household member, or if the respondent has a duty 9049
to support the petitioner or family or household member; 9050

(f) Require the respondent, petitioner, victim of domestic 9051
violence, or any combination of those persons, to seek counseling; 9052

(g) Require the respondent to refrain from entering the 9053
residence, school, business, or place of employment of the 9054
petitioner or family or household member; 9055

(h) Grant other relief that the court considers equitable and 9056
fair, including, but not limited to, ordering the respondent to 9057
permit the use of a motor vehicle by the petitioner or other 9058
family or household member and the apportionment of household and 9059
family personal property. 9060

(2) If a protection order has been issued pursuant to this 9061
section in a prior action involving the respondent and the 9062
petitioner or one or more of the family or household members or 9063
victims, the court may include in a protection order that it 9064
issues a prohibition against the respondent returning to the 9065
residence or household. If it includes a prohibition against the 9066
respondent returning to the residence or household in the order, 9067
it also shall include in the order provisions of the type 9068
described in division (E)(7) of this section. This division does 9069
not preclude the court from including in a protection order or 9070
consent agreement, in circumstances other than those described in 9071
this division, a requirement that the respondent be evicted from 9072
or vacate the residence or household or refrain from entering the 9073
residence, school, business, or place of employment of the 9074
petitioner or a family or household member, and, if the court 9075
includes any requirement of that type in an order or agreement, 9076

the court also shall include in the order provisions of the type 9077
described in division (E)(7) of this section. 9078

(3)(a) Any protection order issued or consent agreement 9079
approved under this section shall be valid until a date certain, 9080
but not later than five years from the date of its issuance or 9081
approval unless modified or terminated as provided in division 9082
(E)(8) of this section. 9083

(b) Subject to the limitation on the duration of an order or 9084
agreement set forth in division (E)(3)(a) of this section, any 9085
order under division (E)(1)(d) of this section shall terminate on 9086
the date that a court in an action for divorce, dissolution of 9087
marriage, or legal separation brought by the petitioner or 9088
respondent issues an order allocating parental rights and 9089
responsibilities for the care of children or on the date that a 9090
juvenile court in an action brought by the petitioner or 9091
respondent issues an order awarding legal custody of minor 9092
children. Subject to the limitation on the duration of an order or 9093
agreement set forth in division (E)(3)(a) of this section, any 9094
order under division (E)(1)(e) of this section shall terminate on 9095
the date that a court in an action for divorce, dissolution of 9096
marriage, or legal separation brought by the petitioner or 9097
respondent issues a support order or on the date that a juvenile 9098
court in an action brought by the petitioner or respondent issues 9099
a support order. 9100

(c) Any protection order issued or consent agreement approved 9101
pursuant to this section may be renewed in the same manner as the 9102
original order or agreement was issued or approved. 9103

(4) A court may not issue a protection order that requires a 9104
petitioner to do or to refrain from doing an act that the court 9105
may require a respondent to do or to refrain from doing under 9106
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 9107
section unless all of the following apply: 9108

(a) The respondent files a separate petition for a protection order in accordance with this section. 9109
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(b) The petitioner is served notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice. 9111
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(c) If the petitioner has requested an ex parte order pursuant to division (D) of this section, the court does not delay any hearing required by that division beyond the time specified in that division in order to consolidate the hearing with a hearing on the petition filed by the respondent. 9115
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(d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed an act of domestic violence or has violated a temporary protection order issued pursuant to section 2919.26 of the Revised Code, that both the petitioner and the respondent acted primarily as aggressors, and that neither the petitioner nor the respondent acted primarily in self-defense. 9120
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(5) No protection order issued or consent agreement approved under this section shall in any manner affect title to any real property. 9129
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(6)(a) If a petitioner, or the child of a petitioner, who obtains a protection order or consent agreement pursuant to division (E)(1) of this section or a temporary protection order pursuant to section 2919.26 of the Revised Code and is the subject of a parenting time order issued pursuant to section 3109.051 or 3109.12 of the Revised Code or a visitation or companionship order issued pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised Code or division (E)(1)(d) of this section granting 9132
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parenting time rights to the respondent, the court may require the public children services agency of the county in which the court is located to provide supervision of the respondent's exercise of parenting time or visitation or companionship rights with respect to the child for a period not to exceed nine months, if the court makes the following findings of fact:

(i) The child is in danger from the respondent;

(ii) No other person or agency is available to provide the supervision.

(b) A court that requires an agency to provide supervision pursuant to division (E)(6)(a) of this section shall order the respondent to reimburse the agency for the cost of providing the supervision, if it determines that the respondent has sufficient income or resources to pay that cost.

(7)(a) If a protection order issued or consent agreement approved under this section includes a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or a family or household member, the order or agreement shall state clearly that the order or agreement cannot be waived or nullified by an invitation to the respondent from the petitioner or other family or household member to enter the residence, school, business, or place of employment or by the respondent's entry into one of those places otherwise upon the consent of the petitioner or other family or household member.

(b) Division (E)(7)(a) of this section does not limit any discretion of a court to determine that a respondent charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued or consent

agreement approved under this section, did not commit the 9171
violation or was not in contempt of court. 9172

(8)(a) The court may modify or terminate as provided in 9173
division (E)(8) of this section a protection order or consent 9174
agreement that was issued after a full hearing under this section. 9175
The court that issued the protection order or approved the consent 9176
agreement shall hear a motion for modification or termination of 9177
the protection order or consent agreement pursuant to division 9178
(E)(8) of this section. 9179

(b) Either the petitioner or the respondent of the original 9180
protection order or consent agreement may bring a motion for 9181
modification or termination of a protection order or consent 9182
agreement that was issued or approved after a full hearing. The 9183
court shall require notice of the motion to be made as provided by 9184
the Rules of Civil Procedure. If the petitioner for the original 9185
protection order or consent agreement has requested that the 9186
petitioner's address be kept confidential, the court shall not 9187
disclose the address to the respondent of the original protection 9188
order or consent agreement or any other person, except as 9189
otherwise required by law. The moving party has the burden of 9190
proof to show, by a preponderance of the evidence, that 9191
modification or termination of the protection order or consent 9192
agreement is appropriate because either the protection order or 9193
consent agreement is no longer needed or because the terms of the 9194
original protection order or consent agreement are no longer 9195
appropriate. 9196

(c) In considering whether to modify or terminate a 9197
protection order or consent agreement issued or approved under 9198
this section, the court shall consider all relevant factors, 9199
including, but not limited to, the following: 9200

(i) Whether the petitioner consents to modification or 9201
termination of the protection order or consent agreement; 9202

(ii) Whether the petitioner fears the respondent;	9203
(iii) The current nature of the relationship between the petitioner and the respondent;	9204 9205
(iv) The circumstances of the petitioner and respondent, including the relative proximity of the petitioner's and respondent's workplaces and residences and whether the petitioner and respondent have minor children together;	9206 9207 9208 9209
(v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement;	9210 9211
(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol;	9212 9213
(vii) Whether the respondent has been convicted of or pleaded guilty to an offense of violence since the issuance of the protection order or approval of the consent agreement;	9214 9215 9216
(viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 of the Revised Code, any other provision of state law, or the law of any other state;	9217 9218 9219 9220 9221
(ix) Whether the respondent has participated in any domestic violence treatment, intervention program, or other counseling addressing domestic violence and whether the respondent has completed the treatment, program, or counseling;	9222 9223 9224 9225
(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved;	9226 9227
(xi) The age and health of the respondent;	9228
(xii) When the last incident of abuse, threat of harm, or commission of a sexually oriented offense occurred or other relevant information concerning the safety and protection of the petitioner or other protected parties.	9229 9230 9231 9232

(d) If a protection order or consent agreement is modified or terminated as provided in division (E)(8) of this section, the court shall issue copies of the modified or terminated order or agreement as provided in division (F) of this section. A petitioner may also provide notice of the modification or termination to the judicial and law enforcement officials in any county other than the county in which the order or agreement is modified or terminated as provided in division (N) of this section.

(e) If the respondent moves for modification or termination of a protection order or consent agreement pursuant to this section, the court may assess costs against the respondent for the filing of the motion.

(F)(1) A copy of any protection order, or consent agreement, that is issued, approved, modified, or terminated under this section shall be issued by the court to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order or agreement. The court shall direct that a copy of an order be delivered to the respondent on the same day that the order is entered.

(2) Upon the issuance of a protection order or the approval of a consent agreement under this section, the court shall provide the parties to the order or agreement with the following notice orally or by form:

"NOTICE

As a result of this order or consent agreement, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8). If you have any questions whether this law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult an attorney."

(3) All law enforcement agencies shall establish and maintain 9264
an index for the protection orders and the approved consent 9265
agreements delivered to the agencies pursuant to division (F)(1) 9266
of this section. With respect to each order and consent agreement 9267
delivered, each agency shall note on the index the date and time 9268
that it received the order or consent agreement. 9269

~~(3)~~(4) Regardless of whether the petitioner has registered 9270
the order or agreement in the county in which the officer's agency 9271
has jurisdiction pursuant to division (N) of this section, any 9272
officer of a law enforcement agency shall enforce a protection 9273
order issued or consent agreement approved by any court in this 9274
state in accordance with the provisions of the order or agreement, 9275
including removing the respondent from the premises, if 9276
appropriate. 9277

(G) Any proceeding under this section shall be conducted in 9278
accordance with the Rules of Civil Procedure, except that an order 9279
under this section may be obtained with or without bond. An order 9280
issued under this section, other than an ex parte order, that 9281
grants a protection order or approves a consent agreement, that 9282
refuses to grant a protection order or approve a consent agreement 9283
that modifies or terminates a protection order or consent 9284
agreement, or that refuses to modify or terminate a protection 9285
order or consent agreement, is a final, appealable order. The 9286
remedies and procedures provided in this section are in addition 9287
to, and not in lieu of, any other available civil or criminal 9288
remedies. 9289

(H) The filing of proceedings under this section does not 9290
excuse a person from filing any report or giving any notice 9291
required by section 2151.421 of the Revised Code or by any other 9292
law. When a petition under this section alleges domestic violence 9293
against minor children, the court shall report the fact, or cause 9294
reports to be made, to a county, township, or municipal peace 9295

officer under section 2151.421 of the Revised Code. 9296

(I) Any law enforcement agency that investigates a domestic 9297
dispute shall provide information to the family or household 9298
members involved regarding the relief available under this section 9299
and section 2919.26 of the Revised Code. 9300

(J) Notwithstanding any provision of law to the contrary and 9301
regardless of whether a protection order is issued or a consent 9302
agreement is approved by a court of another county or a court of 9303
another state, no court or unit of state or local government shall 9304
charge any fee, cost, deposit, or money in connection with the 9305
filing of a petition pursuant to this section or in connection 9306
with the filing, issuance, registration, or service of a 9307
protection order or consent agreement, or for obtaining a 9308
certified copy of a protection order or consent agreement. 9309

(K)(1) The court shall comply with Chapters 3119., 3121., 9310
3123., and 3125. of the Revised Code when it makes or modifies an 9311
order for child support under this section. 9312

(2) If any person required to pay child support under an 9313
order made under this section on or after April 15, 1985, or 9314
modified under this section on or after December 31, 1986, is 9315
found in contempt of court for failure to make support payments 9316
under the order, the court that makes the finding, in addition to 9317
any other penalty or remedy imposed, shall assess all court costs 9318
arising out of the contempt proceeding against the person and 9319
require the person to pay any reasonable attorney's fees of any 9320
adverse party, as determined by the court, that arose in relation 9321
to the act of contempt. 9322

(L)(1) A person who violates a protection order issued or a 9323
consent agreement approved under this section is subject to the 9324
following sanctions: 9325

(a) Criminal prosecution for a violation of section 2919.27 9326

of the Revised Code, if the violation of the protection order or consent agreement constitutes a violation of that section;

(b) Punishment for contempt of court.

(2) The punishment of a person for contempt of court for violation of a protection order issued or a consent agreement approved under this section does not bar criminal prosecution of the person for a violation of section 2919.27 of the Revised Code. However, a person punished for contempt of court is entitled to credit for the punishment imposed upon conviction of a violation of that section, and a person convicted of a violation of that section shall not subsequently be punished for contempt of court arising out of the same activity.

(M) In all stages of a proceeding under this section, a petitioner may be accompanied by a victim advocate.

(N)(1) A petitioner who obtains a protection order or consent agreement under this section or a temporary protection order under section 2919.26 of the Revised Code may provide notice of the issuance or approval of the order or agreement to the judicial and law enforcement officials in any county other than the county in which the order is issued or the agreement is approved by registering that order or agreement in the other county pursuant to division (N)(2) of this section and filing a copy of the registered order or registered agreement with a law enforcement agency in the other county in accordance with that division. A person who obtains a protection order issued by a court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.

(2) A petitioner may register a temporary protection order,

protection order, or consent agreement in a county other than the 9358
county in which the court that issued the order or approved the 9359
agreement is located in the following manner: 9360

(a) The petitioner shall obtain a certified copy of the order 9361
or agreement from the clerk of the court that issued the order or 9362
approved the agreement and present that certified copy to the 9363
clerk of the court of common pleas or the clerk of a municipal 9364
court or county court in the county in which the order or 9365
agreement is to be registered. 9366

(b) Upon accepting the certified copy of the order or 9367
agreement for registration, the clerk of the court of common 9368
pleas, municipal court, or county court shall place an endorsement 9369
of registration on the order or agreement and give the petitioner 9370
a copy of the order or agreement that bears that proof of 9371
registration. 9372

(3) The clerk of each court of common pleas, the clerk of 9373
each municipal court, and the clerk of each county court shall 9374
maintain a registry of certified copies of temporary protection 9375
orders, protection orders, or consent agreements that have been 9376
issued or approved by courts in other counties and that have been 9377
registered with the clerk. 9378

Sec. 3119.023. When a court or child support enforcement 9379
agency calculates the amount of child support to be paid pursuant 9380
to a court child support order in a proceeding in which the 9381
parents have split parental rights and responsibilities with 9382
respect to the children who are the subject of the child support 9383
order, the court or child support enforcement agency shall use a 9384
worksheet that is identical in content and form to the following: 9385

CHILD SUPPORT COMPUTATION WORKSHEET 9386

SPLIT PARENTAL RIGHTS AND RESPONSIBILITIES 9387

Name of parties 9388

Case No.				9389
Number of minor children				9390
Number of minor children with mother			father	9391
	Column I	Column II	Column III	9392
	Father	Mother	Combined	9393
INCOME:				9394
1.a. Annual gross income from				9395
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)				
.....	\$.....	\$.....		9396
b. Amount of overtime,				9397
bonuses, and commissions				
(year 1 representing the				
most recent year)				
Father		Mother		9398
Yr. 3 \$.....		Yr. 3 \$.....		9399
(Three years ago)		(Three years ago)		9400
Yr. 2 \$.....		Yr. 2 \$.....		9401
(Two years ago)		(Two years ago)		9402
Yr. 1 \$.....		Yr. 1 \$.....		9403
(Last calendar year)		(Last calendar year)		9404
Average \$.....		\$.....		9405
(Include in Col. I and/or				9406
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)

	.....	\$.....	\$.....	9407
2.	For self-employment income			9408
a.	Gross receipts from business			9409
	.....	\$.....	\$.....	9410
b.	Ordinary and necessary business expenses			9411

	.....	\$.....	\$.....	9412
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	.....	.....	9413
	.....	\$.....	\$.....	9414
d.	Adjusted gross income from self-employment (subtract the sum of 2b and 2c from 2a)	.....	.....	9415
	.....	\$.....	\$.....	9416
3.	Annual income from interest and dividends (whether or not taxable)	.....	.....	9417
	.....	\$.....	\$.....	9418
4.	Annual income from unemployment compensation	.....	.....	9419
	.....	\$.....	\$.....	9420
5.	Annual income from workers' compensation, disability insurance benefits or social security disability retirement benefits	.....	.....	9421
	.....	\$.....	\$.....	9422
6.	Other annual income (identify)	.....	.....	9423
	.....	\$.....	\$.....	9424
7.a.	Total annual gross income (add lines 1a, 1b, 2d,			9425

	and 3-6)			
	.....	\$.....	\$.....	9426
b.	Health insurance maximum			9427
	(multiply line 7a by 5%)			
	.....	\$.....	\$.....	9428
	ADJUSTMENTS TO INCOME:			9429
8.	Adjustment for minor			9430
	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)			
	.....	\$.....	\$.....	9431
9.	Annual court-ordered			9432
	support paid for other			
	children			
	.....	\$.....	\$.....	9433
10.	Annual court-ordered			9434
	spousal support paid to			
	any spouse or former			
	spouse			
	.....	\$.....	\$.....	9435
11.	Amount of local income			9436
	taxes actually paid or			
	estimated to be paid			
	.....	\$.....	\$.....	9437

12.	Mandatory work-related deductions such as union dues, uniform fees, etc. (not including taxes, social security, or retirement)	9438
	..... \$..... \$.....	9439
13.	Total gross income adjustments (add lines 8 through 12)	9440
	..... \$..... \$.....	9441
14.a.	Adjusted annual gross income (subtract line 13 from 7a)	9442
	..... \$..... \$.....	9443
b.	Cash medical support maximum (If the amount on line 7a, Col. I, is under 150% of the federal poverty level for an individual, enter \$0 on line 14b., Col. I. If the amount on line 7a, Col. I, is 150% or higher of the federal poverty level for an individual, multiply the amount on line 14a, Col. I, by 5% and enter this amount on line 14b, Col. I. If the amount on line 7a, Col. II, is under 150% of the federal poverty level for	9444

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.)

	.....	\$.....	\$.....	9445
15.	Combined annual income that is basis for child support order (add line 14a, Col. I and Col. II)			9446
			\$.....	9447
16.	Percentage of parent's income to total income			9448
a.	Father (divide line 14a, Col. I, by line 15, Col. III)%			9449
b.	Mother (divide line 14a, Col. II, by line 15, Col. III)%			9450
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	For children for whom the mother is the residential parent and legal	For children for whom the father is the residential parent and legal	9451

	<p>this parent. If the custodian custodian income of the parents is more than one sum but less than another, you may calculate the difference)</p>			
	.....	\$.....	\$.....	9452
18.	Annual support obligation per parent			9453
a.	Of father for children			9454
	for whom mother is the residential parent and legal custodian (multiply line 17, Col. I, by line 16a)			
	.....	\$.....		9455
b.	Of mother for children			9456
	for whom the father is the residential parent and legal custodian (multiply line 17, Col. II, by line 16b)			
	.....		\$.....	9457
19.	Annual child care	Paid by	Paid by	9458
	expenses for children who	father	mother	
	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)			
	.....	\$.....	\$.....	9459

20.a.	Marginal, out-of-pocket costs, necessary to provide for health insurance for the children who are the subject of this order (contributing cost of private family health insurance, minus the contributing cost of private single health insurance, divided by the total number of dependents covered by the plan, including the children subject of the support order, times the number of children subject of the support order)	Paid by father	Paid by mother	9460
	.....	\$.....	\$.....	9461
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)			9462
	.....	\$.....	\$.....	9463

21.	ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS PROVIDED:		9464
	Father	Mother	9465
a.	Additions: line 16a	b. Additions: line 16b	9466
	times sum of amounts	times sum of amounts	9467
	shown on line 19, Col. II	shown on line 19, Col. I	9468
	and line 20a, Col. II	and line 20a, Col. I	9469
	\$.....	\$.....	9470
c.	Subtractions: line 16b	d. Subtractions: line 16a	9471
	times sum of amounts	times sum of amounts	9472
	shown on line 19, Col. I	shown on line 19, Col. II	9473
	and line 20a, Col. I	and line 20a, Col. II	9474
	\$.....	\$.....	9475
22.	ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS PROVIDED:		9476
a.	Father: line 18a plus		9477
	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)		
	.....	\$.....	9478
b.	Any non-means-tested		9479
	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		
	.....	\$.....	9480
c.	Actual annual obligation of father (subtract line 22b from line 22a)		9481
	.....	\$.....	9482
d.	Mother: line 18b plus line 21b minus line 21d (if the amount on line 21d is greater than or equal to the amount on line 21b--enter the number on line 18b in Col. II)		9483
	.....	\$.....	9484
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		9485
	.....	\$.....	9486
f.	Actual annual obligation of mother (subtract line		9487

	22e from line 22d)		
	.....	\$.....	9488
g.	Actual annual obligation payable (subtract lesser actual annual obligation from greater actual annual obligation using amounts in lines 22c and 22f to determine net child support payable)		9489
	.....	\$..... \$.....	9490
23.	ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT PROVIDED:		9491
	Father	Mother	9492
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	9493
	\$.....	\$.....	9494
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	9495
	\$.....	\$.....	9496
24.	ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:		9497
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	\$.....	9498

	number on line 18a in Col. I)		
b.	Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by a child for whom the mother is the residential parent and legal custodian, or a person on behalf of the child, due to death, disability, or retirement of the father	\$.....	9499
c.	Actual annual obligation of the father (subtract line 24b from line 24a)	\$.....	9500
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)		9501
	.....	\$.....	9502
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		9503

	person on behalf of the child, due to death, disability, or retirement of the mother	\$.....	9504
f.	Actual annual obligation of the mother (subtract line 24e from line 24d)	\$.....	9505
g.	Actual annual obligation payable (subtract lesser actual annual obligation from greater annual obligation of parents using amounts in lines 24c and 24f to determine net child support payable)	\$.....	9506
		\$.....	9507
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	\$.....	9508
		\$.....	9509
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.)		9510
			9511
			9512
			9513
			9514

			9515
	WHEN	WHEN	9516
	HEALTH	HEALTH	9517
	INSURANCE	INSURANCE	9518
	IS	IS NOT	9519
	PROVIDED	PROVIDED	9520
26.	FINAL CHILD SUPPORT		9521
	FIGURE: (This amount reflects final annual child support obligation; in Col. I enter line 22g plus or minus any amounts indicated in line 25, or in Col. II enter line 24h <u>24g</u> plus or minus any amounts indicated on line 25.)		
	..... \$.....	\$..... Father/Mother,	9522
		OBLIGOR	
27.	FOR DECREE: Child support per month (divide obligor's annual share, line 26, by 12) plus any processing charge		9523
	..... \$.....	\$.....	9524
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		9525

for the child; enter		
obligor's cash medical		
support from line 20b)		
.....	\$.....	9526
29. FOR DECREE: Cash medical		9527
support per month (divide		
line 28 by 12)		
.....	\$.....	9528
Prepared by:		9529
Counsel:	Pro se:	9530
(For mother/father)		9531
CSEA:	Other:	9532
Worksheet Has Been Reviewed and Agreed To:		9533
.....	.....	9534
Mother	Date	9535
.....	.....	9536
Father	Date	9537
Sec. 3119.54. If either A party to a child support order		9538
issued in accordance with section 3119.30 of the Revised Code is		9539
eligible for medical assistance under Chapter 5111. or 5115. of		9540
the Revised Code and the other party has obtained health insurance		9541
coverage, the party eligible for medical assistance shall notify		9542
any physician, hospital, or other provider of medical services for		9543
which medical assistance is available of the name and address of		9544
the other party's insurer and <u>that provides medical services to</u>		9545
the child who is the subject of the child support order of the		9546
number of the other party's <u>any</u> health insurance or health care		9547
policy, contract, or plan <u>that covers the child if the child is</u>		9548
<u>eligible for medical assistance under sections 5101.5211 to</u>		9549
<u>5101.5216 or Chapter 5111. or 5115. of the Revised Code. The party</u>		9550
<u>shall include in the notice the name and address of the insurer.</u>		9551
Any physician, hospital, or other provider of medical services for		9552

which medical assistance is available under sections 5101.5211 to 9553
5101.5216 or Chapter 5111. or 5115. of the Revised Code who is 9554
notified under this ~~division~~ section of the existence of a health 9555
insurance or health care policy, contract, or plan with coverage 9556
for children who are eligible for medical assistance shall first 9557
bill the insurer for any services provided for those children. If 9558
the insurer fails to pay all or any part of a claim filed under 9559
this section and the services for which the claim is filed are 9560
covered by sections 5101.5211 to 5101.5216 or Chapter 5111. or 9561
5115. of the Revised Code, the physician, hospital, or other 9562
medical services provider shall bill the remaining unpaid costs of 9563
the services in accordance with sections 5101.5211 to 5101.5216 or 9564
Chapter 5111. or 5115. of the Revised Code. 9565

Sec. 3301.0714. (A) The state board of education shall adopt 9566
rules for a statewide education management information system. The 9567
rules shall require the state board to establish guidelines for 9568
the establishment and maintenance of the system in accordance with 9569
this section and the rules adopted under this section. The 9570
guidelines shall include: 9571

(1) Standards identifying and defining the types of data in 9572
the system in accordance with divisions (B) and (C) of this 9573
section; 9574

(2) Procedures for annually collecting and reporting the data 9575
to the state board in accordance with division (D) of this 9576
section; 9577

(3) Procedures for annually compiling the data in accordance 9578
with division (G) of this section; 9579

(4) Procedures for annually reporting the data to the public 9580
in accordance with division (H) of this section. 9581

(B) The guidelines adopted under this section shall require 9582

the data maintained in the education management information system 9583
to include at least the following: 9584

(1) Student participation and performance data, for each 9585
grade in each school district as a whole and for each grade in 9586
each school building in each school district, that includes: 9587

(a) The numbers of students receiving each category of 9588
instructional service offered by the school district, such as 9589
regular education instruction, vocational education instruction, 9590
specialized instruction programs or enrichment instruction that is 9591
part of the educational curriculum, instruction for gifted 9592
students, instruction for students with disabilities, and remedial 9593
instruction. The guidelines shall require instructional services 9594
under this division to be divided into discrete categories if an 9595
instructional service is limited to a specific subject, a specific 9596
type of student, or both, such as regular instructional services 9597
in mathematics, remedial reading instructional services, 9598
instructional services specifically for students gifted in 9599
mathematics or some other subject area, or instructional services 9600
for students with a specific type of disability. The categories of 9601
instructional services required by the guidelines under this 9602
division shall be the same as the categories of instructional 9603
services used in determining cost units pursuant to division 9604
(C)(3) of this section. 9605

(b) The numbers of students receiving support or 9606
extracurricular services for each of the support services or 9607
extracurricular programs offered by the school district, such as 9608
counseling services, health services, and extracurricular sports 9609
and fine arts programs. The categories of services required by the 9610
guidelines under this division shall be the same as the categories 9611
of services used in determining cost units pursuant to division 9612
(C)(4)(a) of this section. 9613

(c) Average student grades in each subject in grades nine 9614

through twelve;	9615
(d) Academic achievement levels as assessed by the testing of student achievement under sections 3301.0710 and 3301.0711 of the Revised Code;	9616 9617 9618
(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	9619 9620 9621
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	9622 9623 9624
(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.	9625 9626 9627 9628
(h) Expulsion rates;	9629
(i) Suspension rates;	9630
(j) The percentage of students receiving corporal punishment;	9631
(k) Dropout rates;	9632
(l) Rates of retention in grade;	9633
(m) For pupils in grades nine through twelve, the average number of Carnegie units, as calculated in accordance with state board of education rules;	9634 9635 9636
(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;	9637 9638 9639 9640 9641
(o) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the	9642 9643

Revised Code to permit a comparison of the academic readiness of 9644
kindergarten students. However, no district shall be required to 9645
report to the department the results of any diagnostic assessment 9646
administered to a kindergarten student if the parent of that 9647
student requests the district not to report those results. 9648

(2) Personnel and classroom enrollment data for each school 9649
district, including: 9650

(a) The total numbers of licensed employees and nonlicensed 9651
employees and the numbers of full-time equivalent licensed 9652
employees and nonlicensed employees providing each category of 9653
instructional service, instructional support service, and 9654
administrative support service used pursuant to division (C)(3) of 9655
this section. The guidelines adopted under this section shall 9656
require these categories of data to be maintained for the school 9657
district as a whole and, wherever applicable, for each grade in 9658
the school district as a whole, for each school building as a 9659
whole, and for each grade in each school building. 9660

(b) The total number of employees and the number of full-time 9661
equivalent employees providing each category of service used 9662
pursuant to divisions (C)(4)(a) and (b) of this section, and the 9663
total numbers of licensed employees and nonlicensed employees and 9664
the numbers of full-time equivalent licensed employees and 9665
nonlicensed employees providing each category used pursuant to 9666
division (C)(4)(c) of this section. The guidelines adopted under 9667
this section shall require these categories of data to be 9668
maintained for the school district as a whole and, wherever 9669
applicable, for each grade in the school district as a whole, for 9670
each school building as a whole, and for each grade in each school 9671
building. 9672

(c) The total number of regular classroom teachers teaching 9673
classes of regular education and the average number of pupils 9674
enrolled in each such class, in each of grades kindergarten 9675

through five in the district as a whole and in each school building in the school district.

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

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

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

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

(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require

the system of mutually exclusive cost units to include at least 9707
the following: 9708

(1) Administrative costs for the school district as a whole. 9709
The guidelines shall require the cost units under this division 9710
(C)(1) to be designed so that each of them may be compiled and 9711
reported in terms of average expenditure per pupil in formula ADM 9712
in the school district, as determined pursuant to section 3317.03 9713
of the Revised Code. 9714

(2) Administrative costs for each school building in the 9715
school district. The guidelines shall require the cost units under 9716
this division (C)(2) to be designed so that each of them may be 9717
compiled and reported in terms of average expenditure per 9718
full-time equivalent pupil receiving instructional or support 9719
services in each building. 9720

(3) Instructional services costs for each category of 9721
instructional service provided directly to students and required 9722
by guidelines adopted pursuant to division (B)(1)(a) of this 9723
section. The guidelines shall require the cost units under 9724
division (C)(3) of this section to be designed so that each of 9725
them may be compiled and reported in terms of average expenditure 9726
per pupil receiving the service in the school district as a whole 9727
and average expenditure per pupil receiving the service in each 9728
building in the school district and in terms of a total cost for 9729
each category of service and, as a breakdown of the total cost, a 9730
cost for each of the following components: 9731

(a) The cost of each instructional services category required 9732
by guidelines adopted under division (B)(1)(a) of this section 9733
that is provided directly to students by a classroom teacher; 9734

(b) The cost of the instructional support services, such as 9735
services provided by a speech-language pathologist, classroom 9736
aide, multimedia aide, or librarian, provided directly to students 9737

in conjunction with each instructional services category; 9738

(c) The cost of the administrative support services related 9739
to each instructional services category, such as the cost of 9740
personnel that develop the curriculum for the instructional 9741
services category and the cost of personnel supervising or 9742
coordinating the delivery of the instructional services category. 9743

(4) Support or extracurricular services costs for each 9744
category of service directly provided to students and required by 9745
guidelines adopted pursuant to division (B)(1)(b) of this section. 9746
The guidelines shall require the cost units under division (C)(4) 9747
of this section to be designed so that each of them may be 9748
compiled and reported in terms of average expenditure per pupil 9749
receiving the service in the school district as a whole and 9750
average expenditure per pupil receiving the service in each 9751
building in the school district and in terms of a total cost for 9752
each category of service and, as a breakdown of the total cost, a 9753
cost for each of the following components: 9754

(a) The cost of each support or extracurricular services 9755
category required by guidelines adopted under division (B)(1)(b) 9756
of this section that is provided directly to students by a 9757
licensed employee, such as services provided by a guidance 9758
counselor or any services provided by a licensed employee under a 9759
supplemental contract; 9760

(b) The cost of each such services category provided directly 9761
to students by a nonlicensed employee, such as janitorial 9762
services, cafeteria services, or services of a sports trainer; 9763

(c) The cost of the administrative services related to each 9764
services category in division (C)(4)(a) or (b) of this section, 9765
such as the cost of any licensed or nonlicensed employees that 9766
develop, supervise, coordinate, or otherwise are involved in 9767
administering or aiding the delivery of each services category. 9768

(D)(1) The guidelines adopted under this section shall 9769
require school districts to collect information about individual 9770
students, staff members, or both in connection with any data 9771
required by division (B) or (C) of this section or other reporting 9772
requirements established in the Revised Code. The guidelines may 9773
also require school districts to report information about 9774
individual staff members in connection with any data required by 9775
division (B) or (C) of this section or other reporting 9776
requirements established in the Revised Code. The guidelines shall 9777
not authorize school districts to request social security numbers 9778
of individual students. The guidelines shall prohibit the 9779
reporting under this section of a student's name, address, and 9780
social security number to the state board of education or the 9781
department of education. The guidelines shall also prohibit the 9782
reporting under this section of any personally identifiable 9783
information about any student, except for the purpose of assigning 9784
the data verification code required by division (D)(2) of this 9785
section, to any other person unless such person is employed by the 9786
school district or the information technology center operated 9787
under section 3301.075 of the Revised Code and is authorized by 9788
the district or technology center to have access to such 9789
information or is employed by an entity with which the department 9790
contracts for the scoring of tests administered under section 9791
3301.0711 or 3301.0712 of the Revised Code. The guidelines may 9792
require school districts to provide the social security numbers of 9793
individual staff members. 9794

(2) The guidelines shall provide for each school district or 9795
community school to assign a data verification code that is unique 9796
on a statewide basis over time to each student whose initial Ohio 9797
enrollment is in that district or school and to report all 9798
required individual student data for that student utilizing such 9799
code. The guidelines shall also provide for assigning data 9800
verification codes to all students enrolled in districts or 9801

community schools on the effective date of the guidelines 9802
established under this section. 9803

Individual student data shall be reported to the department 9804
through the information technology centers utilizing the code but, 9805
except as provided in ~~section~~ sections 3310.11, 3310.42, 3313.978, 9806
and 3317.20 of the Revised Code, at no time shall the state board 9807
or the department have access to information that would enable any 9808
data verification code to be matched to personally identifiable 9809
student data. 9810

Each school district shall ensure that the data verification 9811
code is included in the student's records reported to any 9812
subsequent school district or community school in which the 9813
student enrolls. Any such subsequent district or school shall 9814
utilize the same identifier in its reporting of data under this 9815
section. 9816

The director of health shall request and receive, pursuant to 9817
sections 3301.0723 and 3701.62 of the Revised Code, a data 9818
verification code for a child who is receiving services under 9819
division (A)(2) of section 3701.61 of the Revised Code. 9820

(E) The guidelines adopted under this section may require 9821
school districts to collect and report data, information, or 9822
reports other than that described in divisions (A), (B), and (C) 9823
of this section for the purpose of complying with other reporting 9824
requirements established in the Revised Code. The other data, 9825
information, or reports may be maintained in the education 9826
management information system but are not required to be compiled 9827
as part of the profile formats required under division (G) of this 9828
section or the annual statewide report required under division (H) 9829
of this section. 9830

(F) Beginning with the school year that begins July 1, 1991, 9831
the board of education of each school district shall annually 9832

collect and report to the state board, in accordance with the 9833
guidelines established by the board, the data required pursuant to 9834
this section. A school district may collect and report these data 9835
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 9836

(G) The state board shall, in accordance with the procedures 9837
it adopts, annually compile the data reported by each school 9838
district pursuant to division (D) of this section. The state board 9839
shall design formats for profiling each school district as a whole 9840
and each school building within each district and shall compile 9841
the data in accordance with these formats. These profile formats 9842
shall: 9843

(1) Include all of the data gathered under this section in a 9844
manner that facilitates comparison among school districts and 9845
among school buildings within each school district; 9846

(2) Present the data on academic achievement levels as 9847
assessed by the testing of student achievement maintained pursuant 9848
to division (B)(1)(d) of this section. 9849

(H)(1) The state board shall, in accordance with the 9850
procedures it adopts, annually prepare a statewide report for all 9851
school districts and the general public that includes the profile 9852
of each of the school districts developed pursuant to division (G) 9853
of this section. Copies of the report shall be sent to each school 9854
district. 9855

(2) The state board shall, in accordance with the procedures 9856
it adopts, annually prepare an individual report for each school 9857
district and the general public that includes the profiles of each 9858
of the school buildings in that school district developed pursuant 9859
to division (G) of this section. Copies of the report shall be 9860
sent to the superintendent of the district and to each member of 9861
the district board of education. 9862

(3) Copies of the reports received from the state board under 9863

divisions (H)(1) and (2) of this section shall be made available 9864
to the general public at each school district's offices. Each 9865
district board of education shall make copies of each report 9866
available to any person upon request and payment of a reasonable 9867
fee for the cost of reproducing the report. The board shall 9868
annually publish in a newspaper of general circulation in the 9869
school district, at least twice during the two weeks prior to the 9870
week in which the reports will first be available, a notice 9871
containing the address where the reports are available and the 9872
date on which the reports will be available. 9873

(I) Any data that is collected or maintained pursuant to this 9874
section and that identifies an individual pupil is not a public 9875
record for the purposes of section 149.43 of the Revised Code. 9876

(J) As used in this section: 9877

(1) "School district" means any city, local, exempted 9878
village, or joint vocational school district and, in accordance 9879
with section 3314.17 of the Revised Code, any community school. As 9880
used in division (L) of this section, "school district" also 9881
includes any educational service center or other educational 9882
entity required to submit data using the system established under 9883
this section. 9884

(2) "Cost" means any expenditure for operating expenses made 9885
by a school district excluding any expenditures for debt 9886
retirement except for payments made to any commercial lending 9887
institution for any loan approved pursuant to section 3313.483 of 9888
the Revised Code. 9889

(K) Any person who removes data from the information system 9890
established under this section for the purpose of releasing it to 9891
any person not entitled under law to have access to such 9892
information is subject to section 2913.42 of the Revised Code 9893
prohibiting tampering with data. 9894

(L)(1) In accordance with division (L)(2) of this section and 9895
the rules adopted under division (L)(10) of this section, the 9896
department of education may sanction any school district that 9897
reports incomplete or inaccurate data, reports data that does not 9898
conform to data requirements and descriptions published by the 9899
department, fails to report data in a timely manner, or otherwise 9900
does not make a good faith effort to report data as required by 9901
this section. 9902

(2) If the department decides to sanction a school district 9903
under this division, the department shall take the following 9904
sequential actions: 9905

(a) Notify the district in writing that the department has 9906
determined that data has not been reported as required under this 9907
section and require the district to review its data submission and 9908
submit corrected data by a deadline established by the department. 9909
The department also may require the district to develop a 9910
corrective action plan, which shall include provisions for the 9911
district to provide mandatory staff training on data reporting 9912
procedures. 9913

(b) Withhold up to ten per cent of the total amount of state 9914
funds due to the district for the current fiscal year and, if not 9915
previously required under division (L)(2)(a) of this section, 9916
require the district to develop a corrective action plan in 9917
accordance with that division; 9918

(c) Withhold an additional amount of up to twenty per cent of 9919
the total amount of state funds due to the district for the 9920
current fiscal year; 9921

(d) Direct department staff or an outside entity to 9922
investigate the district's data reporting practices and make 9923
recommendations for subsequent actions. The recommendations may 9924
include one or more of the following actions: 9925

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;	9926 9927
(ii) Conduct a site visit and evaluation of the district;	9928
(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;	9929 9930 9931
(iv) Continue monitoring the district's data reporting;	9932
(v) Assign department staff to supervise the district's data management system;	9933 9934
(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;	9935 9936 9937
(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;	9938 9939 9940 9941
(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;	9942 9943 9944 9945 9946
(ix) Any other action designed to correct the district's data reporting problems.	9947 9948
(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.	9949 9950 9951 9952 9953 9954
(4) If any action taken under division (L)(2) of this section	9955

resolves a school district's data reporting problems to the 9956
department's satisfaction, the department shall not take any 9957
further actions described by that division. If the department 9958
withheld funds from the district under that division, the 9959
department may release those funds to the district, except that if 9960
the department withheld funding under division (L)(2)(c) of this 9961
section, the department shall not release the funds withheld under 9962
division (L)(2)(b) of this section and, if the department withheld 9963
funding under division (L)(2)(d) of this section, the department 9964
shall not release the funds withheld under division (L)(2)(b) or 9965
(c) of this section. 9966

(5) Notwithstanding anything in this section to the contrary, 9967
the department may use its own staff or an outside entity to 9968
conduct an audit of a school district's data reporting practices 9969
any time the department has reason to believe the district has not 9970
made a good faith effort to report data as required by this 9971
section. If any audit conducted by an outside entity under 9972
division (L)(2)(d)(i) or (5) of this section confirms that a 9973
district has not made a good faith effort to report data as 9974
required by this section, the district shall reimburse the 9975
department for the full cost of the audit. The department may 9976
withhold state funds due to the district for this purpose. 9977

(6) Prior to issuing a revised report card for a school 9978
district under division (L)(2)(d)(viii) of this section, the 9979
department may hold a hearing to provide the district with an 9980
opportunity to demonstrate that it made a good faith effort to 9981
report data as required by this section. The hearing shall be 9982
conducted by a referee appointed by the department. Based on the 9983
information provided in the hearing, the referee shall recommend 9984
whether the department should issue a revised report card for the 9985
district. If the referee affirms the department's contention that 9986
the district did not make a good faith effort to report data as 9987

required by this section, the district shall bear the full cost of 9988
conducting the hearing and of issuing any revised report card. 9989

(7) If the department determines that any inaccurate data 9990
reported under this section caused a school district to receive 9991
excess state funds in any fiscal year, the district shall 9992
reimburse the department an amount equal to the excess funds, in 9993
accordance with a payment schedule determined by the department. 9994
The department may withhold state funds due to the district for 9995
this purpose. 9996

(8) Any school district that has funds withheld under 9997
division (L)(2) of this section may appeal the withholding in 9998
accordance with Chapter 119. of the Revised Code. 9999

(9) In all cases of a disagreement between the department and 10000
a school district regarding the appropriateness of an action taken 10001
under division (L)(2) of this section, the burden of proof shall 10002
be on the district to demonstrate that it made a good faith effort 10003
to report data as required by this section. 10004

(10) The state board of education shall adopt rules under 10005
Chapter 119. of the Revised Code to implement division (L) of this 10006
section. 10007

(M) No information technology center or school district shall 10008
acquire, change, or update its student administration software 10009
package to manage and report data required to be reported to the 10010
department unless it converts to a student software package that 10011
is certified by the department. 10012

(N) The state board of education, in accordance with sections 10013
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 10014
license as defined under division (A) of section 3319.31 of the 10015
Revised Code that has been issued to any school district employee 10016
found to have willfully reported erroneous, inaccurate, or 10017
incomplete data to the education management information system. 10018

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

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

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

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

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

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

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

(B) Upon a request by the department under division (A) of this section for the data verification code of a child seeking a scholarship or a request by the child'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 child has not been assigned a code, because the child will be 10049
entering preschool or kindergarten during the school year for 10050
which the scholarship is sought, the district shall assign a code 10051
to that child and submit the code to the department or parent by a 10052
date specified by the department. If the district does not assign 10053
a code to the child by the specified date, the department shall 10054
assign a code to the child. 10055

The department annually shall submit to each school district 10056
the name and data verification code of each child residing in the 10057
district who is entering preschool or kindergarten, who has been 10058
awarded a scholarship under the program, and for whom the 10059
department has assigned a code under this division. 10060

(C) The department shall not release any data verification 10061
code that it receives under this section to any person except as 10062
provided by law. 10063

(D) Any document relative to the autism scholarship program 10064
that the department holds in its files that contains both a 10065
child's name or other personally identifiable information and the 10066
child's data verification code shall not be a public record under 10067
section 149.43 of the Revised Code. 10068

Sec. 3311.21. (A) In addition to the resolutions authorized 10069
by sections 5705.194, 5705.199, 5705.21, 5705.212, and 5705.213 of 10070
the Revised Code, the board of education of a joint vocational or 10071
cooperative education school district by a vote of two-thirds of 10072
its full membership may at any time adopt a resolution declaring 10073
the necessity to levy a tax in excess of the ten-mill limitation 10074
for a period not to exceed ten years to provide funds for any one 10075
or more of the following purposes, which may be stated in the 10076
following manner in such resolution, the ballot, and the notice of 10077
election: purchasing a site or enlargement thereof and for the 10078
erection and equipment of buildings; for the purpose of enlarging, 10079

improving, or rebuilding thereof; for the purpose of providing for 10080
the current expenses of the joint vocational or cooperative school 10081
district; or for a continuing period for the purpose of providing 10082
for the current expenses of the joint vocational or cooperative 10083
education school district. The resolution shall specify the amount 10084
of the proposed rate and, if a renewal, whether the levy is to 10085
renew all, or a portion of, the existing levy, and shall specify 10086
the first year in which the levy will be imposed. If the levy 10087
provides for but is not limited to current expenses, the 10088
resolution shall apportion the annual rate of the levy between 10089
current expenses and the other purpose or purposes. Such 10090
apportionment may but need not be the same for each year of the 10091
levy, but the respective portions of the rate actually levied each 10092
year for current expenses and the other purpose or purposes shall 10093
be limited by such apportionment. The portion of any such rate 10094
actually levied for current expenses of a joint vocational or 10095
cooperative education school district shall be used in applying 10096
division (A) of section 3317.01 of the Revised Code. The portion 10097
of any such rate not apportioned to the current expenses of a 10098
joint vocational or cooperative education school district shall be 10099
used in applying division (B) of this section. On the adoption of 10100
such resolution, the joint vocational or cooperative education 10101
school district board of education shall certify the resolution to 10102
the board of elections of the county containing the most populous 10103
portion of the district, which board shall receive resolutions for 10104
filing and send them to the boards of elections of each county in 10105
which territory of the district is located, furnish all ballots 10106
for the election as provided in section 3505.071 of the Revised 10107
Code, and prepare the election notice; and the board of elections 10108
of each county in which the territory of such district is located 10109
shall make the other necessary arrangements for the submission of 10110
the question to the electors of the joint vocational or 10111
cooperative education school district at the next primary or 10112

general election occurring not less than seventy-five days after 10113
the resolution was received from the joint vocational or 10114
cooperative education school district board of education, or at a 10115
special election to be held at a time designated by the district 10116
board of education consistent with the requirements of section 10117
3501.01 of the Revised Code, which date shall not be earlier than 10118
seventy-five days after the adoption and certification of the 10119
resolution. 10120

The board of elections of the county or counties in which 10121
territory of the joint vocational or cooperative education school 10122
district is located shall cause to be published in one or more 10123
newspapers of general circulation in that district an 10124
advertisement of the proposed tax levy question together with a 10125
statement of the amount of the proposed levy once a week for two 10126
consecutive weeks, prior to the election at which the question is 10127
to appear on the ballot, and, if the board of elections operates 10128
and maintains a web site, the board also shall post a similar 10129
advertisement on its web site for thirty days prior to that 10130
election. 10131

If a majority of the electors voting on the question of 10132
levying such tax vote in favor of the levy, the joint vocational 10133
or cooperative education school district board of education shall 10134
annually make the levy within the district at the rate specified 10135
in the resolution and ballot or at any lesser rate, and the county 10136
auditor of each affected county shall annually place the levy on 10137
the tax list and duplicate of each school district in the county 10138
having territory in the joint vocational or cooperative education 10139
school district. The taxes realized from the levy shall be 10140
collected at the same time and in the same manner as other taxes 10141
on the duplicate, and the taxes, when collected, shall be paid to 10142
the treasurer of the joint vocational or cooperative education 10143
school district and deposited to a special fund, which shall be 10144

established by the joint vocational or cooperative education 10145
school district board of education for all revenue derived from 10146
any tax levied pursuant to this section and for the proceeds of 10147
anticipation notes which shall be deposited in such fund. After 10148
the approval of the levy, the joint vocational or cooperative 10149
education school district board of education may anticipate a 10150
fraction of the proceeds of the levy and from time to time, during 10151
the life of the levy, but in any year prior to the time when the 10152
tax collection from the levy so anticipated can be made for that 10153
year, issue anticipation notes in an amount not exceeding fifty 10154
per cent of the estimated proceeds of the levy to be collected in 10155
each year up to a period of five years after the date of the 10156
issuance of the notes, less an amount equal to the proceeds of the 10157
levy obligated for each year by the issuance of anticipation 10158
notes, provided that the total amount maturing in any one year 10159
shall not exceed fifty per cent of the anticipated proceeds of the 10160
levy for that year. Each issue of notes shall be sold as provided 10161
in Chapter 133. of the Revised Code, and shall, except for such 10162
limitation that the total amount of such notes maturing in any one 10163
year shall not exceed fifty per cent of the anticipated proceeds 10164
of the levy for that year, mature serially in substantially equal 10165
installments, during each year over a period not to exceed five 10166
years after their issuance. 10167

(B) Prior to the application of section 319.301 of the 10168
Revised Code, the rate of a levy that is limited to, or to the 10169
extent that it is apportioned to, purposes other than current 10170
expenses shall be reduced in the same proportion in which the 10171
district's total valuation increases during the life of the levy 10172
because of additions to such valuation that have resulted from 10173
improvements added to the tax list and duplicate. 10174

(C) The form of ballot cast at an election under division (A) 10175
of this section shall be as prescribed by section 5705.25 of the 10176

Revised Code. 10177

Sec. 3311.24. (A)(1) Except as provided in division (B) of 10178
this section, the board of education of a city, exempted village, 10179
or local school district shall file with the state board of 10180
education a proposal to transfer territory from such district to 10181
an adjoining city, exempted village, or local school district in 10182
any of the following circumstances: 10183

(a) The district board deems the transfer advisable and, if 10184
the portion of the district proposed to be transferred is five 10185
acres or more, the board has obtained written consent to the 10186
transfer from seventy-five per cent of the owners of parcels of 10187
real property on the tax duplicate within that portion of the 10188
district; 10189

(b) A petition, signed by seventy-five per cent of the 10190
qualified electors residing within that portion of a city, 10191
exempted village, or local school district proposed to be 10192
transferred voting at the last general election, requests such a 10193
transfer; 10194

(c) If no qualified electors reside in that portion of the 10195
district proposed to be transferred, a petition, signed by 10196
seventy-five per cent of the owners of parcels of real property on 10197
the tax duplicate within that portion of the district, requests 10198
such a transfer. 10199

(2) The board of education of the district in which such 10200
proposal originates shall file such proposal, together with a map 10201
showing the boundaries of the territory proposed to be 10202
transferred, with the state board of education prior to the first 10203
day of April in any even-numbered year. The state board of 10204
education may, if it is advisable, provide for a hearing in any 10205
suitable place in any of the school districts affected by such 10206
proposed transfer of territory. The state board of education or 10207

its representatives shall preside at any such hearing. 10208

(3) A board of education of a city, exempted village, or 10209
local school district that receives a petition of transfer signed 10210
by electors of the district under division (A)(1)(b) of this 10211
section shall cause the board of elections to check the 10212
sufficiency of signatures on the petition. A board of education of 10213
a city, exempted village, or local school district that receives 10214
written consent or a petition of transfer signed by owners of 10215
parcels of real property under division (A)(1)(a) or (c) of this 10216
section shall cause the county auditor to check the sufficiency of 10217
signatures on the consent or petition. 10218

(4) Not later than the first day of September the state board 10219
of education shall either approve or disapprove a proposed 10220
transfer of territory filed with it as provided by this section 10221
and shall notify, in writing, the boards of education of the 10222
districts affected by such proposed transfer of territory of its 10223
decision. 10224

If the decision of the state board of education is an 10225
approval of the proposed transfer of territory then the board of 10226
education of the district in which the territory is located shall, 10227
within thirty days after receiving the state board of education's 10228
decision, adopt a resolution transferring the territory and shall 10229
forthwith submit a copy of such resolution to the treasurer of the 10230
board of education of the city, exempted village, or local school 10231
district to which the territory is transferred. Such transfer 10232
shall not be complete however, until: 10233

(a) A resolution accepting the transfer has been passed by a 10234
majority vote of the full membership of the board of education of 10235
the city, exempted village, or local school district to which the 10236
territory is transferred; 10237

(b) An equitable division of the funds and indebtedness 10238

between the districts involved has been made by the board of 10239
education making the transfer; 10240

(c) A map showing the boundaries of the territory transferred 10241
has been filed, by the board of education accepting the transfer, 10242
with the county auditor of each county affected by the transfer. 10243

When such transfer is complete the legal title of the school 10244
property in the territory transferred shall be vested in the board 10245
of education or governing board of the school district to which 10246
the territory is transferred. 10247

(B) Whenever the transfer of territory pursuant to this 10248
section is initiated by a board of education, the board shall, 10249
before filing a proposal for transfer with the state board of 10250
education under this section, make a good faith effort to 10251
negotiate the terms of transfer with any other school district 10252
whose territory would be affected by the transfer. Before the 10253
state board may hold a hearing on the transfer, or approve or 10254
disapprove any such transfer, it must receive the following: 10255

(1) A resolution requesting approval of the transfer, passed 10256
by the school district submitting the proposal and, if applicable, 10257
evidence of the consent of affected property owners to the 10258
transfer; 10259

(2) Evidence determined to be sufficient by the state board 10260
to show that good faith negotiations have taken place or that the 10261
district requesting the transfer has made a good faith effort to 10262
hold such negotiations; 10263

(3) If any negotiations took place, a statement signed by all 10264
boards that participated in the negotiations, listing the terms 10265
agreed on and the points on which no agreement could be reached. 10266

Negotiations held pursuant to this section shall be governed 10267
by the rules adopted by the state board under division (D) of 10268
section 3311.06 of the Revised Code. Districts involved in a 10269

transfer under division (B) of this section may agree to share 10270
revenues from the property included in the territory to be 10271
transferred, establish cooperative programs between the 10272
participating districts, and establish mechanisms for the 10273
settlement of any future boundary disputes. 10274

Sec. 3313.842. (A) The boards of education of any two or more 10275
school districts may enter into an agreement for joint or 10276
cooperative establishment and operation of any educational program 10277
including any class, course, or program that may be included in a 10278
school district's graded course of study and staff development 10279
programs for teaching and nonteaching school employees. Each 10280
school district that is party to such an agreement may contribute 10281
funds of the district in support of the agreement and for the 10282
establishment and operation of any educational program established 10283
under the agreement. The agreement shall designate one of the 10284
districts as the district responsible for receiving and disbursing 10285
the funds contributed by the districts that are parties to the 10286
agreement. 10287

(B) Notwithstanding sections 3313.48 and 3313.64 of the 10288
Revised Code, any district that is party to an agreement for joint 10289
or cooperative establishment and operation of an educational 10290
program may charge fees or tuition for students who participate in 10291
the program and are entitled to attend school in the district 10292
under section 3313.64 or 3313.65 of the Revised Code. 10293

Sec. 3313.978. (A) Annually by the first day of November, the 10294
superintendent of public instruction shall notify the pilot 10295
project school district of the number of initial scholarships that 10296
the state superintendent will be awarding in each of grades 10297
kindergarten through eight. 10298

The state superintendent shall provide information about the 10299

scholarship program to all students residing in the district, 10300
shall accept applications from any such students until such date 10301
as shall be established by the state superintendent as a deadline 10302
for applications, and shall establish criteria for the selection 10303
of students to receive scholarships from among all those applying 10304
prior to the deadline, which criteria shall give preference to 10305
students from low-income families. For each student selected, the 10306
state superintendent shall also determine whether the student 10307
qualifies for seventy-five or ninety per cent of the scholarship 10308
amount. Students whose family income is at or above two hundred 10309
per cent of the maximum income level established by the state 10310
superintendent for low-income families shall qualify for 10311
seventy-five per cent of the scholarship amount and students whose 10312
family income is below two hundred per cent of that maximum income 10313
level shall qualify for ninety per cent of the scholarship amount. 10314
The state superintendent shall notify students of their selection 10315
prior to the fifteenth day of January and whether they qualify for 10316
seventy-five or ninety per cent of the scholarship amount. 10317

(1) A student receiving a pilot project scholarship may 10318
utilize it at an alternative public school by notifying the 10319
district superintendent, at any time before the beginning of the 10320
school year, of the name of the public school in an adjacent 10321
school district to which the student has been accepted pursuant to 10322
section 3327.06 of the Revised Code. 10323

(2) A student may decide to utilize a pilot project 10324
scholarship at a registered private school in the district if all 10325
of the following conditions are met: 10326

(a) By the fifteenth day of February of the preceding school 10327
year, or at any time prior to the start of the school year, the 10328
parent makes an application on behalf of the student to a 10329
registered private school. 10330

(b) The registered private school notifies the parent and the 10331

state superintendent as follows that the student has been 10332
admitted: 10333

(i) By the fifteenth day of March of the preceding school 10334
year if the student filed an application by the fifteenth day of 10335
February and was admitted by the school pursuant to division (A) 10336
of section 3313.977 of the Revised Code; 10337

(ii) Within one week of the decision to admit the student if 10338
the student is admitted pursuant to division (C) of section 10339
3313.977 of the Revised Code. 10340

(c) The student actually enrolls in the registered private 10341
school to which the student was first admitted or in another 10342
registered private school in the district or in a public school in 10343
an adjacent school district. 10344

(B) The state superintendent shall also award in any school 10345
year tutorial assistance grants to a number of students equal to 10346
the number of students who receive scholarships under division (A) 10347
of this section. Tutorial assistance grants shall be awarded 10348
solely to students who are enrolled in the public schools of the 10349
district in a grade level covered by the pilot project. Tutorial 10350
assistance grants may be used solely to obtain tutorial assistance 10351
from a provider approved pursuant to division (D) of section 10352
3313.976 of the Revised Code. 10353

All students wishing to obtain tutorial assistance grants 10354
shall make application to the state superintendent by the first 10355
day of the school year in which the assistance will be used. The 10356
state superintendent shall award assistance grants in accordance 10357
with criteria the superintendent shall establish. For each student 10358
awarded a grant, the state superintendent shall also determine 10359
whether the student qualifies for seventy-five or ninety per cent 10360
of the grant amount and so notify the student. Students whose 10361
family income is at or above two hundred per cent of the maximum 10362

income level established by the state superintendent for 10363
low-income families shall qualify for seventy-five per cent of the 10364
grant amount and students whose family income is below two hundred 10365
per cent of that maximum income level shall qualify for ninety per 10366
cent of the grant amount. 10367

(C)(1) In the case of basic scholarships for students in 10368
grades kindergarten through eight, the scholarship amount shall 10369
not exceed the lesser of the tuition charges of the alternative 10370
school the scholarship recipient attends or three thousand dollars 10371
before fiscal year 2007 and three thousand four hundred fifty 10372
dollars in fiscal year 2007 and thereafter. 10373

In the case of basic scholarships for students in grades nine 10374
through twelve, the scholarship amount shall not exceed the lesser 10375
of the tuition charges of the alternative school the scholarship 10376
recipient attends or two thousand seven hundred dollars before 10377
fiscal year 2007 and three thousand four hundred fifty dollars in 10378
fiscal year 2007 and thereafter. 10379

(2) The state superintendent shall provide for an increase in 10380
the basic scholarship amount in the case of any student who is a 10381
mainstreamed student with a disability and shall further increase 10382
such amount in the case of any separately educated student with a 10383
disability. Such increases shall take into account the 10384
instruction, related services, and transportation costs of 10385
educating such students. 10386

(3) In the case of tutorial assistance grants, the grant 10387
amount shall not exceed the lesser of the provider's actual 10388
charges for such assistance or: 10389

(a) Before fiscal year 2007, a percentage established by the 10390
state superintendent, not to exceed twenty per cent, of the amount 10391
of the pilot project school district's average basic scholarship 10392
amount; 10393

(b) In fiscal year 2007 and thereafter, four hundred dollars. 10394

(4) No scholarship or tutorial assistance grant shall be 10395
awarded unless the state superintendent determines that 10396
twenty-five or ten per cent, as applicable, of the amount 10397
specified for such scholarship or grant pursuant to division 10398
(C)(1), (2), or (3) of this section will be furnished by a 10399
political subdivision, a private nonprofit or for profit entity, 10400
or another person. Only seventy-five or ninety per cent of such 10401
amounts, as applicable, shall be paid from state funds pursuant to 10402
section 3313.979 of the Revised Code. 10403

(D)(1) Annually by the first day of November, the state 10404
superintendent shall estimate the maximum per-pupil scholarship 10405
amounts for the ensuing school year. The state superintendent 10406
shall make this estimate available to the general public at the 10407
offices of the district board of education together with the forms 10408
required by division (D)(2) of this section. 10409

(2) Annually by the fifteenth day of January, the chief 10410
administrator of each registered private school located in the 10411
pilot project district and the principal of each public school in 10412
such district shall complete a parental information form and 10413
forward it to the president of the board of education. The 10414
parental information form shall be prescribed by the department of 10415
education and shall provide information about the grade levels 10416
offered, the numbers of students, tuition amounts, achievement 10417
test results, and any sectarian or other organizational 10418
affiliations. 10419

(E)(1) Only for the purpose of administering the pilot 10420
project scholarship program, the department may request from any 10421
of the following entities the data verification code assigned 10422
under division (D)(2) of section 3301.0714 of the Revised Code to 10423
any student who is seeking a scholarship under the program: 10424

(a) The school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code; 10425
10426
10427

(b) If applicable, the community school in which the student is enrolled; 10428
10429

(c) The independent contractor engaged to create and maintain data verification codes. 10430
10431

(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. 10432
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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. 10444
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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. 10449
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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 10452
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10455

under section 149.43 of the Revised Code. 10456

Sec. 3314.016. (A) After June 30, 2007, a new start-up school 10457
may be established under this chapter only if the school's 10458
governing authority enters into a contract with an operator that 10459
manages other schools in the United States that perform at a level 10460
higher than academic watch. The governing authority of the 10461
community school may sign a contract with an operator only if the 10462
operator has fewer contracts with the governing authorities of new 10463
start-up schools established under this chapter after June 30, 10464
2007, than the number of schools managed by the operator in the 10465
United States that perform at a level higher than academic watch, 10466
as determined by the department of education. 10467

(B) Notwithstanding division (A) of this section, the 10468
governing authority of a start-up school sponsored by an entity 10469
described in divisions (C)(1)(b) to (f) of section 3314.02 of the 10470
Revised Code may establish one additional school serving the same 10471
grade levels and providing the same educational program as the 10472
current start-up school and may open that additional school in the 10473
2007-2008 school year, if both of the following conditions are 10474
met: 10475

(1) The governing authority entered into another contract 10476
with the same sponsor or a different sponsor described in 10477
divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code 10478
and filed a copy of that contract with the superintendent of 10479
public instruction prior to March 15, 2006. 10480

(2) The governing authority's current school satisfies all of 10481
the following conditions: 10482

(a) The school currently is rated as excellent or effective 10483
pursuant to section 3302.03 of the Revised Code. 10484

(b) The school made adequate yearly progress, as defined in 10485

section 3302.01 of the Revised Code, for the previous school year.	10486
(c) The school has been in operation for at least four school years.	10487 10488
(d) The school is not managed by an operator.	10489
<u>(C) Notwithstanding division (A) of this section, the governing authority of a start-up school sponsored by the big eight school district in which the school is located may establish one additional start-up school that is located in the same school district and that provides a general educational program to students in any or all of grades kindergarten through five to facilitate their transition to the current start-up school, and may open the additional start-up school in the 2009-2010 school year, if both of the following conditions are met:</u>	10490 10491 10492 10493 10494 10495 10496 10497 10498
<u>(1) The governing authority enters into another contract with the same sponsor and files a copy of the contract with the superintendent of public instruction prior to March 15, 2009.</u>	10499 10500 10501
<u>(2) The governing authority's current school satisfies all of the following conditions:</u>	10502 10503
<u>(a) The school provided instruction to students for eleven months in the previous school year.</u>	10504 10505
<u>(b) The school has been in operation for at least two school years.</u>	10506 10507
<u>(c) The school qualified to be rated in need of continuous improvement or higher pursuant to section 3302.03 of the Revised Code for its first school year of operation, even though the department of education did not issue a report card for the school for that school year.</u>	10508 10509 10510 10511 10512
Sec. 3314.02. (A) As used in this chapter:	10513
(1) "Sponsor" means an entity listed in division (C)(1) of	10514

this section, which has been approved by the department of 10515
education to sponsor community schools and with which the 10516
governing authority of the proposed community school enters into a 10517
contract pursuant to this section. 10518

(2) "Pilot project area" means the school districts included 10519
in the territory of the former community school pilot project 10520
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 10521
the 122nd general assembly. 10522

(3) "Challenged school district" means any of the following: 10523

(a) A school district that is part of the pilot project area; 10524

(b) A school district that is either in a state of academic 10525
emergency or in a state of academic watch under section 3302.03 of 10526
the Revised Code; 10527

(c) A big eight school district. 10528

(4) "Big eight school district" means a school district that 10529
for fiscal year 1997 had both of the following: 10530

(a) A percentage of children residing in the district and 10531
participating in the predecessor of Ohio works first greater than 10532
thirty per cent, as reported pursuant to section 3317.10 of the 10533
Revised Code; 10534

(b) An average daily membership greater than twelve thousand, 10535
as reported pursuant to former division (A) of section 3317.03 of 10536
the Revised Code. 10537

(5) "New start-up school" means a community school other than 10538
one created by converting all or part of an existing public school 10539
or educational service center building, as designated in the 10540
school's contract pursuant to division (A)(17) of section 3314.03 10541
of the Revised Code. 10542

(6) "Urban school district" means one of the state's 10543
twenty-one urban school districts as defined in division (O) of 10544

section 3317.02 of the Revised Code as that section existed prior 10545
to July 1, 1998. 10546

(7) "Internet- or computer-based community school" means a 10547
community school established under this chapter in which the 10548
enrolled students work primarily from their residences on 10549
assignments in nonclassroom-based learning opportunities provided 10550
via an internet- or other computer-based instructional method that 10551
does not rely on regular classroom instruction or via 10552
comprehensive instructional methods that include internet-based, 10553
other computer-based, and noncomputer-based learning 10554
opportunities. 10555

(B) Any person or group of individuals may initially propose 10556
under this division the conversion of all or a portion of a public 10557
school or a building operated by an educational service center to 10558
a community school. The proposal shall be made to the board of 10559
education of the city, local, or exempted village school district 10560
in which the public school is proposed to be converted or, in the 10561
case of the conversion of a building operated by an educational 10562
service center, to the governing board of the service center. Upon 10563
receipt of a proposal, a board may enter into a preliminary 10564
agreement with the person or group proposing the conversion of the 10565
public school or service center building, indicating the intention 10566
of the board ~~of education~~ to support the conversion to a community 10567
school. A proposing person or group that has a preliminary 10568
agreement under this division may proceed to finalize plans for 10569
the school, establish a governing authority for the school, and 10570
negotiate a contract with the board ~~of education~~. Provided the 10571
proposing person or group adheres to the preliminary agreement and 10572
all provisions of this chapter, the board ~~of education~~ shall 10573
negotiate in good faith to enter into a contract in accordance 10574
with section 3314.03 of the Revised Code and division (C) of this 10575
section. 10576

(C)(1) Any person or group of individuals may propose under 10577
this division the establishment of a new start-up school to be 10578
located in a challenged school district. The proposal may be made 10579
to any of the following entities: 10580

(a) The board of education of the district in which the 10581
school is proposed to be located; 10582

(b) The board of education of any joint vocational school 10583
district with territory in the county in which is located the 10584
majority of the territory of the district in which the school is 10585
proposed to be located; 10586

(c) The board of education of any other city, local, or 10587
exempted village school district having territory in the same 10588
county where the district in which the school is proposed to be 10589
located has the major portion of its territory; 10590

(d) The governing board of any educational service center, as 10591
long as the proposed school will be located in a county within the 10592
territory of the service center or in a county contiguous to such 10593
county; 10594

(e) A sponsoring authority designated by the board of 10595
trustees of any of the thirteen state universities listed in 10596
section 3345.011 of the Revised Code or the board of trustees 10597
itself as long as a mission of the proposed school to be specified 10598
in the contract under division (A)(2) of section 3314.03 of the 10599
Revised Code and as approved by the department of education under 10600
division (B)(2) of section 3314.015 of the Revised Code will be 10601
the practical demonstration of teaching methods, educational 10602
technology, or other teaching practices that are included in the 10603
curriculum of the university's teacher preparation program 10604
approved by the state board of education; 10605

(f) Any qualified tax-exempt entity under section 501(c)(3) 10606
of the Internal Revenue Code as long as all of the following 10607

conditions are satisfied: 10608

(i) The entity has been in operation for at least five years 10609
prior to applying to be a community school sponsor. 10610

(ii) The entity has assets of at least five hundred thousand 10611
dollars and a demonstrated record of financial responsibility. 10612

(iii) The department of education has determined that the 10613
entity is an education-oriented entity under division (B)(3) of 10614
section 3314.015 of the Revised Code and the entity has a 10615
demonstrated record of successful implementation of educational 10616
programs. 10617

(iv) The entity is not a community school. 10618

Any entity described in division (C)(1) of this section may 10619
enter into a preliminary agreement pursuant to division (C)(2) of 10620
this section with the proposing person or group. 10621

(2) A preliminary agreement indicates the intention of an 10622
entity described in division (C)(1) of this section to sponsor the 10623
community school. A proposing person or group that has such a 10624
preliminary agreement may proceed to finalize plans for the 10625
school, establish a governing authority as described in division 10626
(E) of this section for the school, and negotiate a contract with 10627
the entity. Provided the proposing person or group adheres to the 10628
preliminary agreement and all provisions of this chapter, the 10629
entity shall negotiate in good faith to enter into a contract in 10630
accordance with section 3314.03 of the Revised Code. 10631

(3) A new start-up school that is established in a school 10632
district while that district is either in a state of academic 10633
emergency or in a state of academic watch under section 3302.03 of 10634
the Revised Code may continue in existence once the school 10635
district is no longer in a state of academic emergency or academic 10636
watch, provided there is a valid contract between the school and a 10637
sponsor. 10638

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

(D) A majority vote of the board of a sponsoring entity and a majority vote of the members of the governing authority of a community school shall be required to adopt a contract and convert the public school or educational service center building to a community school or establish the new start-up school. Beginning September 29, 2005, adoption of the contract shall occur not later than the fifteenth day of March, and signing of the contract shall occur not later than the fifteenth day of May, prior to the school year in which the school will open. The governing authority shall notify the department of education when the contract has been signed. Subject to sections 3314.013, 3314.014, 3314.016, and 3314.017 of the Revised Code, an unlimited number of community schools may be established in any school district provided that a contract is entered into for each community school pursuant to this chapter.

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

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

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

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

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

~~(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 10702
contract with the school. However, the educational service center 10703
shall not enter into a contract with any additional community 10704
school unless the school is located in a county within the 10705
territory of the service center or in a county contiguous to such 10706
county. 10707

Sec. 3314.03. A copy of every contract entered into under 10708
this section shall be filed with the superintendent of public 10709
instruction. 10710

(A) Each contract entered into between a sponsor and the 10711
governing authority of a community school shall specify the 10712
following: 10713

(1) That the school shall be established as either of the 10714
following: 10715

(a) A nonprofit corporation established under Chapter 1702. 10716
of the Revised Code, if established prior to April 8, 2003; 10717

(b) A public benefit corporation established under Chapter 10718
1702. of the Revised Code, if established after April 8, 2003; 10719

(2) The education program of the school, including the 10720
school's mission, the characteristics of the students the school 10721
is expected to attract, the ages and grades of students, and the 10722
focus of the curriculum; 10723

(3) The academic goals to be achieved and the method of 10724
measurement that will be used to determine progress toward those 10725
goals, which shall include the statewide achievement tests; 10726

(4) Performance standards by which the success of the school 10727
will be evaluated by the sponsor; 10728

(5) The admission standards of section 3314.06 of the Revised 10729
Code and, if applicable, section 3314.061 of the Revised Code; 10730

(6)(a) Dismissal procedures;	10731
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	10732 10733 10734 10735 10736 10737
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	10738 10739
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, and the audits shall be conducted in accordance with section 117.10 of the Revised Code.	10740 10741 10742 10743 10744 10745
(9) The facilities to be used and their locations;	10746
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	10747 10748 10749 10750 10751 10752
(11) That the school will comply with the following requirements:	10753 10754
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year;	10755 10756 10757
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school;	10758 10759 10760

(c) The school will be nonsectarian in its programs, 10761
admission policies, employment practices, and all other 10762
operations, and will not be operated by a sectarian school or 10763
religious institution; 10764

(d) The school will comply with sections 9.90, 9.91, 109.65, 10765
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 10766
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 10767
3313.6012, 3313.6013, 3313.6014, 3313.643, 3313.648, 3313.66, 10768
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 10769
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.80, 10770
3313.96, 3319.073, 3319.313, 3319.314, 3319.315, 3319.321, 10771
3319.39, 3319.391, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 10772
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 10773
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 10774
and 4167. of the Revised Code as if it were a school district and 10775
will comply with section 3301.0714 of the Revised Code in the 10776
manner specified in section 3314.17 of the Revised Code; 10777

(e) The school shall comply with Chapter 102. and section 10778
2921.42 of the Revised Code; 10779

(f) The school will comply with sections 3313.61, 3313.611, 10780
and 3313.614 of the Revised Code, except that for students who 10781
enter ninth grade for the first time before July 1, 2010, the 10782
requirement in sections 3313.61 and 3313.611 of the Revised Code 10783
that a person must successfully complete the curriculum in any 10784
high school prior to receiving a high school diploma may be met by 10785
completing the curriculum adopted by the governing authority of 10786
the community school rather than the curriculum specified in Title 10787
XXXIII of the Revised Code or any rules of the state board of 10788
education. Beginning with students who enter ninth grade for the 10789
first time on or after July 1, 2010, the requirement in sections 10790
3313.61 and 3313.611 of the Revised Code that a person must 10791
successfully complete the curriculum of a high school prior to 10792

receiving a high school diploma shall be met by completing the 10793
Ohio core curriculum prescribed in division (C) of section 10794
3313.603 of the Revised Code, unless the person qualifies under 10795
division (D) or (F) of that section. Each school shall comply with 10796
the plan for awarding high school credit based on demonstration of 10797
subject area competency, adopted by the state board of education 10798
under division (J) of section 3313.603 of the Revised Code. 10799

(g) The school governing authority will submit within four 10800
months after the end of each school year a report of its 10801
activities and progress in meeting the goals and standards of 10802
divisions (A)(3) and (4) of this section and its financial status 10803
to the sponsor and the parents of all students enrolled in the 10804
school. 10805

(h) The school, unless it is an internet- or computer-based 10806
community school, will comply with section 3313.801 of the Revised 10807
Code as if it were a school district. 10808

(12) Arrangements for providing health and other benefits to 10809
employees; 10810

(13) The length of the contract, which shall begin at the 10811
beginning of an academic year. No contract shall exceed five years 10812
unless such contract has been renewed pursuant to division (E) of 10813
this section. 10814

(14) The governing authority of the school, which shall be 10815
responsible for carrying out the provisions of the contract; 10816

(15) A financial plan detailing an estimated school budget 10817
for each year of the period of the contract and specifying the 10818
total estimated per pupil expenditure amount for each such year. 10819
The plan shall specify for each year the base formula amount that 10820
will be used for purposes of funding calculations under section 10821
3314.08 of the Revised Code. This base formula amount for any year 10822
shall not exceed the formula amount defined under section 3317.02 10823

of the Revised Code. The plan may also specify for any year a 10824
percentage figure to be used for reducing the per pupil amount of 10825
the subsidy calculated pursuant to section 3317.029 of the Revised 10826
Code the school is to receive that year under section 3314.08 of 10827
the Revised Code. 10828

(16) Requirements and procedures regarding the disposition of 10829
employees of the school in the event the contract is terminated or 10830
not renewed pursuant to section 3314.07 of the Revised Code; 10831

(17) Whether the school is to be created by converting all or 10832
part of an existing public school or educational service center 10833
building or is to be a new start-up school, and if it is a 10834
converted public school or service center building, specification 10835
of any duties or responsibilities of an employer that the board of 10836
education or service center governing board that operated the 10837
school or building before conversion is delegating to the 10838
governing ~~board~~ authority of the community school with respect to 10839
all or any specified group of employees provided the delegation is 10840
not prohibited by a collective bargaining agreement applicable to 10841
such employees; 10842

(18) Provisions establishing procedures for resolving 10843
disputes or differences of opinion between the sponsor and the 10844
governing authority of the community school; 10845

(19) A provision requiring the governing authority to adopt a 10846
policy regarding the admission of students who reside outside the 10847
district in which the school is located. That policy shall comply 10848
with the admissions procedures specified in sections 3314.06 and 10849
3314.061 of the Revised Code and, at the sole discretion of the 10850
authority, shall do one of the following: 10851

(a) Prohibit the enrollment of students who reside outside 10852
the district in which the school is located; 10853

(b) Permit the enrollment of students who reside in districts 10854

adjacent to the district in which the school is located; 10855

(c) Permit the enrollment of students who reside in any other 10856
district in the state. 10857

(20) A provision recognizing the authority of the department 10858
of education to take over the sponsorship of the school in 10859
accordance with the provisions of division (C) of section 3314.015 10860
of the Revised Code; 10861

(21) A provision recognizing the sponsor's authority to 10862
assume the operation of a school under the conditions specified in 10863
division (B) of section 3314.073 of the Revised Code; 10864

(22) A provision recognizing both of the following: 10865

(a) The authority of public health and safety officials to 10866
inspect the facilities of the school and to order the facilities 10867
closed if those officials find that the facilities are not in 10868
compliance with health and safety laws and regulations; 10869

(b) The authority of the department of education as the 10870
community school oversight body to suspend the operation of the 10871
school under section 3314.072 of the Revised Code if the 10872
department has evidence of conditions or violations of law at the 10873
school that pose an imminent danger to the health and safety of 10874
the school's students and employees and the sponsor refuses to 10875
take such action; 10876

(23) A description of the learning opportunities that will be 10877
offered to students including both classroom-based and 10878
non-classroom-based learning opportunities that is in compliance 10879
with criteria for student participation established by the 10880
department under division (L)(2) of section 3314.08 of the Revised 10881
Code; 10882

(24) The school will comply with section 3302.04 of the 10883
Revised Code, including division (E) of that section to the extent 10884

possible, except that any action required to be taken by a school 10885
district pursuant to that section shall be taken by the sponsor of 10886
the school. However, the sponsor shall not be required to take any 10887
action described in division (F) of that section. 10888

(25) Beginning in the 2006-2007 school year, the school will 10889
open for operation not later than the thirtieth day of September 10890
each school year, unless the mission of the school as specified 10891
under division (A)(2) of this section is solely to serve dropouts. 10892
In its initial year of operation, if the school fails to open by 10893
the thirtieth day of September, or within one year after the 10894
adoption of the contract pursuant to division (D) of section 10895
3314.02 of the Revised Code if the mission of the school is solely 10896
to serve dropouts, the contract shall be void. 10897

(B) The community school shall also submit to the sponsor a 10898
comprehensive plan for the school. The plan shall specify the 10899
following: 10900

(1) The process by which the governing authority of the 10901
school will be selected in the future; 10902

(2) The management and administration of the school; 10903

(3) If the community school is a currently existing public 10904
school or educational service center building, alternative 10905
arrangements for current public school students who choose not to 10906
attend the converted school and for teachers who choose not to 10907
teach in the school or building after conversion; 10908

(4) The instructional program and educational philosophy of 10909
the school; 10910

(5) Internal financial controls. 10911

(C) A contract entered into under section 3314.02 of the 10912
Revised Code between a sponsor and the governing authority of a 10913
community school may provide for the community school governing 10914

authority to make payments to the sponsor, which is hereby 10915
authorized to receive such payments as set forth in the contract 10916
between the governing authority and the sponsor. The total amount 10917
of such payments for oversight and monitoring of the school shall 10918
not exceed three per cent of the total amount of payments for 10919
operating expenses that the school receives from the state. 10920

(D) The contract shall specify the duties of the sponsor 10921
which shall be in accordance with the written agreement entered 10922
into with the department of education under division (B) of 10923
section 3314.015 of the Revised Code and shall include the 10924
following: 10925

(1) Monitor the community school's compliance with all laws 10926
applicable to the school and with the terms of the contract; 10927

(2) Monitor and evaluate the academic and fiscal performance 10928
and the organization and operation of the community school on at 10929
least an annual basis; 10930

(3) Report on an annual basis the results of the evaluation 10931
conducted under division (D)(2) of this section to the department 10932
of education and to the parents of students enrolled in the 10933
community school; 10934

(4) Provide technical assistance to the community school in 10935
complying with laws applicable to the school and terms of the 10936
contract; 10937

(5) Take steps to intervene in the school's operation to 10938
correct problems in the school's overall performance, declare the 10939
school to be on probationary status pursuant to section 3314.073 10940
of the Revised Code, suspend the operation of the school pursuant 10941
to section 3314.072 of the Revised Code, or terminate the contract 10942
of the school pursuant to section 3314.07 of the Revised Code as 10943
determined necessary by the sponsor; 10944

(6) Have in place a plan of action to be undertaken in the 10945

event the community school experiences financial difficulties or 10946
closes prior to the end of a school year. 10947

(E) Upon the expiration of a contract entered into under this 10948
section, the sponsor of a community school may, with the approval 10949
of the governing authority of the school, renew that contract for 10950
a period of time determined by the sponsor, but not ending earlier 10951
than the end of any school year, if the sponsor finds that the 10952
school's compliance with applicable laws and terms of the contract 10953
and the school's progress in meeting the academic goals prescribed 10954
in the contract have been satisfactory. Any contract that is 10955
renewed under this division remains subject to the provisions of 10956
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 10957

(F) If a community school fails to open for operation within 10958
one year after the contract entered into under this section is 10959
adopted pursuant to division (D) of section 3314.02 of the Revised 10960
Code or permanently closes prior to the expiration of the 10961
contract, the contract shall be void and the school shall not 10962
enter into a contract with any other sponsor. A school shall not 10963
be considered permanently closed because the operations of the 10964
school have been suspended pursuant to section 3314.072 of the 10965
Revised Code. Any contract that becomes void under this division 10966
shall not count toward any statewide limit on the number of such 10967
contracts prescribed by section 3314.013 of the Revised Code. 10968

~~Sec. 3314.05. Division (A) of this section shall not apply to 10969
internet or computer based community schools. 10970~~

(A) The contract between the community school and the sponsor 10971
shall specify the facilities to be used for the community school 10972
and the method of acquisition. Except as provided in division 10973
(B)(3) of this section, no community school shall be established 10974
in more than one school district under the same contract. 10975

~~(A) A (B) Division (B) of this section shall not apply to 10976~~

<u>internet- or computer-based community schools.</u>	10977
<u>(1) A community school may be located in multiple facilities</u>	10978
<u>under the same contract only if the limitations on availability of</u>	10979
<u>space prohibit serving all the grade levels specified in the</u>	10980
<u>contract in a single facility <u>or division (B)(2) or (3) of this</u></u>	10981
<u>section applies to the school.</u> The school shall not offer the same	10982
<u>grade level classrooms in more than one facility.</u>	10983
<u>(2) A community school may be located in multiple facilities</u>	10984
<u>under the same contract and, notwithstanding division (B)(1) of</u>	10985
<u>this section, may assign students in the same grade level to</u>	10986
<u>multiple facilities, as long as all of the following apply:</u>	10987
<u>(a) The governing authority of the community school filed a</u>	10988
<u>copy of its contract with the school's sponsor under section</u>	10989
<u>3314.03 of the Revised Code with the superintendent of public</u>	10990
<u>instruction on or before May 15, 2008.</u>	10991
<u>(b) The school was not open for operation prior to July 1,</u>	10992
<u>2008.</u>	10993
<u>(c) The governing authority has entered into and maintains a</u>	10994
<u>contract with an operator of the type described in division (A)(2)</u>	10995
<u>of section 3314.014 of the Revised Code.</u>	10996
<u>(d) The contract with that operator qualified the school to</u>	10997
<u>be established pursuant to division (A) of section 3314.016 of the</u>	10998
<u>Revised Code.</u>	10999
<u>(e) The school's rating under section 3302.03 of the Revised</u>	11000
<u>Code does not fall below "in need of continuous improvement" for</u>	11001
<u>two or more consecutive years.</u>	11002
<u>(3) A new start-up community school may be established in two</u>	11003
<u>school districts under the same contract if all of the following</u>	11004
<u>apply:</u>	11005
<u>(a) At least one of the school districts in which the school</u>	11006

is established is a challenged school district; 11007

(b) The school operates not more than one facility in each 11008
school district and, in accordance with division (B)(1) of this 11009
section, the school does not offer the same grade level classrooms 11010
in both facilities; and 11011

(c) Transportation between the two facilities does not 11012
require more than thirty minutes of direct travel time as measured 11013
by school bus. 11014

In the case of a community school to which division (B)(3) of 11015
this section applies, if only one of the school districts in which 11016
the school is established is a challenged school district, that 11017
district shall be considered the school's primary location and the 11018
district in which the school is located for the purposes of 11019
division (A)(19) of section 3314.03 and divisions (C) and (H) of 11020
section 3314.06 of the Revised Code and for all other purposes of 11021
this chapter. If both of the school districts in which the school 11022
is established are challenged school districts, the school's 11023
governing authority shall designate one of those districts to be 11024
considered the school's primary location and the district in which 11025
the school is located for the purposes of those divisions and all 11026
other purposes of this chapter and shall notify the department of 11027
education of that designation. 11028

(4) Any facility used for a community school shall meet all 11029
health and safety standards established by law for school 11030
buildings. 11031

~~(B)~~(C) In the case where a community school is proposed to be 11032
located in a facility owned by a school district or educational 11033
service center, the facility may not be used for such community 11034
school unless the district or service center board owning the 11035
facility enters into an agreement for the community school to 11036
utilize the facility. Use of the facility may be under any terms 11037

and conditions agreed to by the district or service center board 11038
and the school. 11039

Sec. 3314.37. (A) A five-year demonstration project is hereby 11040
established at the community schools known as the ISUS institutes. 11041
The project is a research and development initiative to collect 11042
and analyze data with which to improve dropout prevention and 11043
recovery programs, to evaluate various methodologies employed in 11044
those programs, to develop tools and criteria for evaluating 11045
community schools that operate dropout prevention and recovery 11046
programs, to institute stringent accountability measures for such 11047
community schools, and to direct curricular and programming 11048
decisions for such community schools. The program shall begin with 11049
the 2008-2009 school year and shall operate through the 2012-2013 11050
school year. 11051

(B) Under the demonstration project, the ISUS institutes 11052
shall select and pay the costs of an independent evaluator to 11053
create a study plan and collect and analyze data from the 11054
institutes. The ISUS institutes' selection of the independent 11055
evaluator is subject to the approval of the department of 11056
education. The data collected by the evaluator shall include, but 11057
need not be limited to, the following: 11058

(1) Baseline measures of student status at enrollment, 11059
including academic level; history of court involvement, drug use, 11060
and other behavioral problems; and the circumstances of the 11061
students' parenting and living arrangements; 11062

(2) Student academic progress, measured at multiple and 11063
regular intervals each school year; 11064

(3) Value-added elements of the institutes' dropout 11065
prevention and recovery programs, including industry 11066
certifications, college coursework, community service and service 11067
learning, apprenticeships, and internships; 11068

(4) Outcomes in addition to high school graduation, including students' contributions to community service and students' transitions to employment, post-secondary training, college, or the military. 11069
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(C) Not later than the thirtieth day of September following each school year in which the demonstration project is operating, the independent evaluator shall do both of the following: 11073
11074
11075

(1) Submit to the ISUS institutes and the department all data collected and a report of its data analysis; 11076
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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. 11078
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(D) For each school year in which the demonstration project is operating: 11084
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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. 11086
11087
11088

(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. 11089
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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 11093
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of an ISUS institute from terminating or not renewing its contract 11100
with the school, from suspending the operations of the school, or 11101
from placing the school on probationary status, in accordance with 11102
this chapter, during the demonstration project. Nothing in this 11103
section prevents the auditor of state from taking action against 11104
an ISUS institute under Chapter 117. of the Revised Code or other 11105
applicable law during the demonstration project. 11106

(F) The department may conduct its own analysis of data 11108
submitted under the demonstration project. 11109

(G) Not later than December 31, 2013, the independent 11110
evaluator shall issue a final report of its findings and analysis 11111
and its recommendations for appropriate academic accountability 11112
measures for community schools that operate dropout prevention and 11113
recovery programs. The independent evaluator shall submit the 11114
report to the department, the speaker and minority leader of the 11115
house of representatives, the president and minority leader of the 11116
senate, and the chairpersons and ranking minority members of the 11117
standing committees of the house of representatives and the senate 11118
that consider education legislation. 11119

Sec. 3314.40. The governing authorities of two or more 11120
community schools may enter into a pooling agreement under which 11121
the schools may act jointly to do any of the following: 11122

(A) Purchase health insurance for the schools' employees; 11123

(B) Secure liability insurance for the schools; 11124

(C) Purchase other goods or services necessary for the 11125
operation of the schools; 11126

(D) Provide transportation to students enrolled in the 11127
schools. 11128

Sec. 3316.03. (A) The existence of a fiscal watch shall be 11129
declared by the auditor of state. The auditor of state may make a 11130
determination on the auditor of state's initiative, or upon 11131
receipt of a written request for such a determination, which may 11132
be filed by the governor, the superintendent of public 11133
instruction, or a majority of the members of the board of 11134
education of the school district. 11135

(1) The auditor of state shall declare a school district to 11136
be in a state of fiscal watch if the auditor of state determines 11137
that both of the following conditions are satisfied with respect 11138
to the school district: 11139

(a) An operating deficit has been certified for the current 11140
fiscal year by the auditor of state, and the certified operating 11141
deficit exceeds eight per cent of the school district's general 11142
fund revenue for the preceding fiscal year; 11143

(b) A majority of the voting electors have not voted in favor 11144
of levying a tax under section 5705.194, 5705.199, or 5705.21 or 11145
Chapter 5748. of the Revised Code that the auditor of state 11146
expects will raise enough additional revenue in the next 11147
succeeding fiscal year that division (A)(1)(a) of this section 11148
will not apply to the district in such next succeeding fiscal 11149
year. 11150

(2) The auditor of state shall declare a school district to 11151
be in a state of fiscal watch if the auditor of state determines 11152
that the school district has outstanding securities issued under 11153
division (A)(4) of section 3316.06 of the Revised Code, and its 11154
financial planning and supervision commission has been terminated 11155
under section 3316.16 of the Revised Code. 11156

(3) The auditor of state shall declare a school district to 11157
be in a state of fiscal watch if both of the following conditions 11158
are satisfied: 11159

(a) The superintendent of public instruction has reported to 11160
the auditor of state that the superintendent has declared the 11161
district under section 3316.031 of the Revised Code to be under a 11162
fiscal caution, has found that the district has not acted 11163
reasonably to eliminate or correct practices or conditions that 11164
prompted the declaration, and has determined the declaration of a 11165
state of fiscal watch necessary to prevent further fiscal decline; 11166

(b) The auditor of state determines that the decision of the 11167
superintendent is reasonable. 11168

If the auditor of state determines that the decision of the 11169
superintendent is not reasonable, the auditor of state shall 11170
provide the superintendent with a written explanation of that 11171
determination. 11172

(4) The auditor of state may declare a school district to be 11173
in a state of fiscal watch if all of the following conditions are 11174
satisfied: 11175

(a) An operating deficit has been certified for the current 11176
fiscal year by the auditor of state, and the certified operating 11177
deficit exceeds two per cent, but does not exceed eight per cent, 11178
of the school district's general fund revenue for the preceding 11179
fiscal year; 11180

(b) A majority of the voting electors have not voted in favor 11181
of levying a tax under section 5705.194, 5705.199, or 5705.21 or 11182
Chapter 5748. of the Revised Code that the auditor of state 11183
expects will raise enough additional revenue in the next 11184
succeeding fiscal year that division (A)(4)(a) of this section 11185
will not apply to the district in the next succeeding fiscal year; 11186

(c) The auditor of state determines that there is no 11187
reasonable cause for the deficit or that the declaration of fiscal 11188
watch is necessary to prevent further fiscal decline in the 11189
district. 11190

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

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

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

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

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

(a) The superintendent of public instruction has reported to 11222
the auditor of state that the district is not materially complying 11223
with the provisions of an original or updated plan as approved by 11224
the state superintendent under section 3316.04 of the Revised 11225
Code, and that the state superintendent has determined the 11226
declaration of a state of fiscal emergency necessary to prevent 11227
further fiscal decline; 11228

(b) The auditor of state finds that the determination of the 11229
superintendent is reasonable. 11230

If the auditor of state determines that the decision of the 11231
superintendent is not reasonable, the auditor of state shall 11232
provide the superintendent a written explanation of that 11233
determination. 11234

(4) The auditor of state shall issue an order declaring a 11235
school district to be in a state of fiscal emergency if a 11236
declaration of fiscal emergency is required by division (D) of 11237
section 3316.04 of the Revised Code. 11238

(5) The auditor of state may issue an order declaring a 11239
school district to be in a state of fiscal emergency if all of the 11240
following conditions are satisfied: 11241

(a) An operating deficit has been certified for the current 11242
fiscal year by the auditor of state, and the certified operating 11243
deficit exceeds ten per cent, but does not exceed fifteen per 11244
cent, of the school district's general fund revenue for the 11245
preceding fiscal year; 11246

(b) A majority of the voting electors have not voted in favor 11247
of levying a tax under section 5705.194, 5705.199, or 5705.21 or 11248
Chapter 5748. of the Revised Code that the auditor of state 11249
expects will raise enough additional revenue in the next 11250
succeeding fiscal year that division (B)(5)(a) of this section 11251
will not apply to the district in the next succeeding fiscal year; 11252

(c) The auditor of state determines that a declaration of 11253
fiscal emergency is necessary to correct the district's fiscal 11254
problems and to prevent further fiscal decline. 11255

(C) In making the determinations under this section, the 11256
auditor of state may use financial reports required under section 11257
117.43 of the Revised Code; tax budgets, certificates of estimated 11258
resources and amendments thereof, annual appropriating measures 11259
and spending plans, and any other documents or information 11260
prepared pursuant to Chapter 5705. of the Revised Code; and any 11261
other documents, records, or information available to the auditor 11262
of state that indicate the conditions described in divisions (A) 11263
and (B) of this section. 11264

(D) The auditor of state shall certify the action taken under 11265
division (A) or (B) of this section to the board of education of 11266
the school district, the director of budget and management, the 11267
mayor or county auditor who could be required to act pursuant to 11268
division (B)(1) of section 3316.05 of the Revised Code, and to the 11269
superintendent of public instruction. 11270

(E) A determination by the auditor of state under this 11271
section that a fiscal emergency condition does not exist is final 11272
and conclusive and not appealable. A determination by the auditor 11273
of state under this section that a fiscal emergency exists is 11274
final, except that the board of education of the school district 11275
affected by such a determination may appeal the determination of 11276
the existence of a fiscal emergency condition to the court of 11277
appeals having territorial jurisdiction over the school district. 11278
The appeal shall be heard expeditiously by the court of appeals 11279
and for good cause shown shall take precedence over all other 11280
civil matters except earlier matters of the same character. Notice 11281
of such appeal must be filed with the auditor of state and such 11282
court within thirty days after certification by the auditor of 11283
state to the board of education of the school district provided 11284

for in division (D) of this section. In such appeal, 11285
determinations of the auditor of state shall be presumed to be 11286
valid and the board of education shall have the burden of proving, 11287
by clear and convincing evidence, that each of the determinations 11288
made by the auditor of state as to the existence of a fiscal 11289
emergency condition under this section was in error. If the board 11290
of education fails, upon presentation of its case, to prove by 11291
clear and convincing evidence that each such determination by the 11292
auditor of state was in error, the court shall dismiss the appeal. 11293
The board of education and the auditor of state may introduce any 11294
evidence relevant to the existence or nonexistence of such fiscal 11295
emergency conditions. The pendency of any such appeal shall not 11296
affect or impede the operations of this chapter; no restraining 11297
order, temporary injunction, or other similar restraint upon 11298
actions consistent with this chapter shall be imposed by the court 11299
or any court pending determination of such appeal; and all things 11300
may be done under this chapter that may be done regardless of the 11301
pendency of any such appeal. Any action taken or contract executed 11302
pursuant to this chapter during the pendency of such appeal is 11303
valid and enforceable among all parties, notwithstanding the 11304
decision in such appeal. If the court of appeals reverses the 11305
determination of the existence of a fiscal emergency condition by 11306
the auditor of state, the determination no longer has any effect, 11307
and any procedures undertaken as a result of the determination 11308
shall be terminated. 11309

Sec. 3316.041. (A) Notwithstanding any provision of Chapter 11310
133. or sections 3313.483 to 3313.4811 of the Revised Code, and 11311
subject to the approval of the superintendent of public 11312
instruction, a school district that is in a state of fiscal watch 11313
declared under section 3316.03 of the Revised Code may restructure 11314
or refinance loans obtained or in the process of being obtained 11315
under section 3313.483 of the Revised Code if all of the following 11316

requirements are met: 11317

(1) The operating deficit certified for the school district 11318
for the current or preceding fiscal year under section 3313.483 of 11319
the Revised Code exceeds fifteen per cent of the district's 11320
general revenue fund for the fiscal year preceding the year for 11321
which the certification of the operating deficit is made. 11322

(2) The school district voters have, during the period of the 11323
fiscal watch, approved the levy of a tax under section 718.09, 11324
718.10, 5705.194, 5705.21, or 5748.02 of the Revised Code that is 11325
not a renewal or replacement levy, or a levy under section 11326
5705.199 of the Revised Code, and that will provide new operating 11327
revenue. 11328

(3) The board of education of the school district has adopted 11329
or amended the financial plan required by section 3316.04 of the 11330
Revised Code to reflect the restructured or refinanced loans, and 11331
sets forth the means by which the district will bring projected 11332
operating revenues and expenditures, and projected debt service 11333
obligations, into balance for the life of any such loan. 11334

(B) Subject to the approval of the superintendent of public 11335
instruction, the school district may issue securities to evidence 11336
the restructuring or refinancing authorized by this section. Such 11337
securities may extend the original period for repayment not to 11338
exceed ten years, and may alter the frequency and amount of 11339
repayments, interest or other financing charges, and other terms 11340
or agreements under which the loans were originally contracted, 11341
provided the loans received under sections 3313.483 of the Revised 11342
Code are repaid from funds the district would otherwise receive 11343
under sections 3317.022 to 3317.025 of the Revised Code, as 11344
required under division (E)(3) of section 3313.483 of the Revised 11345
Code. Securities issued for the purpose of restructuring or 11346
refinancing under this section shall be repaid in equal payments 11347
and at equal intervals over the term of the debt and are not 11348

eligible to be included in any subsequent proposal to restructure 11349
or refinance. 11350

(C) Unless the district is declared to be in a state of 11351
fiscal emergency under division (D) of section 3316.04 of the 11352
Revised Code, a school district shall remain in a state of fiscal 11353
watch for the duration of the repayment period of any loan 11354
restructured or refinanced under this section. 11355

Sec. 3316.06. (A) Within one hundred twenty days after the 11356
first meeting of a school district financial planning and 11357
supervision commission, the commission shall adopt a financial 11358
recovery plan regarding the school district for which the 11359
commission was created. During the formulation of the plan, the 11360
commission shall seek appropriate input from the school district 11361
board and from the community. This plan shall contain the 11362
following: 11363

(1) Actions to be taken to: 11364

(a) Eliminate all fiscal emergency conditions declared to 11365
exist pursuant to division (B) of section 3316.03 of the Revised 11366
Code; 11367

(b) Satisfy any judgments, past-due accounts payable, and all 11368
past-due and payable payroll and fringe benefits; 11369

(c) Eliminate the deficits in all deficit funds, except that 11370
any prior year deficits in the textbook and instructional 11371
materials fund established pursuant to section 3315.17 of the 11372
Revised Code and the capital and maintenance fund established 11373
pursuant to section 3315.18 of the Revised Code shall be forgiven; 11374

(d) Restore to special funds any moneys from such funds that 11375
were used for purposes not within the purposes of such funds, or 11376
borrowed from such funds by the purchase of debt obligations of 11377
the school district with the moneys of such funds, or missing from 11378

the special funds and not accounted for, if any; 11379

(e) Balance the budget, avoid future deficits in any funds, 11380
and maintain on a current basis payments of payroll, fringe 11381
benefits, and all accounts; 11382

(f) Avoid any fiscal emergency condition in the future; 11383

(g) Restore the ability of the school district to market 11384
long-term general obligation bonds under provisions of law 11385
applicable to school districts generally. 11386

(2) The management structure that will enable the school 11387
district to take the actions enumerated in division (A)(1) of this 11388
section. The plan shall specify the level of fiscal and management 11389
control that the commission will exercise within the school 11390
district during the period of fiscal emergency, and shall 11391
enumerate respectively, the powers and duties of the commission 11392
and the powers and duties of the school board during that period. 11393
The commission may elect to assume any of the powers and duties of 11394
the school board it considers necessary, including all powers 11395
related to personnel, curriculum, and legal issues in order to 11396
successfully implement the actions described in division (A)(1) of 11397
this section. 11398

(3) The target dates for the commencement, progress upon, and 11399
completion of the actions enumerated in division (A)(1) of this 11400
section and a reasonable period of time expected to be required to 11401
implement the plan. The commission shall prepare a reasonable time 11402
schedule for progress toward and achievement of the requirements 11403
for the plan, and the plan shall be consistent with that time 11404
schedule. 11405

(4) The amount and purpose of any issue of debt obligations 11406
that will be issued, together with assurances that any such debt 11407
obligations that will be issued will not exceed debt limits 11408
supported by appropriate certifications by the fiscal officer of 11409

the school district and the county auditor. Debt obligations 11410
issued pursuant to section 133.301 of the Revised Code shall 11411
include assurances that such debt shall be in an amount not to 11412
exceed the amount certified under division (B) of such section. If 11413
the commission considers it necessary in order to maintain or 11414
improve educational opportunities of pupils in the school 11415
district, the plan may include a proposal to restructure or 11416
refinance outstanding debt obligations incurred by the board under 11417
section 3313.483 of the Revised Code contingent upon the approval, 11418
during the period of the fiscal emergency, by district voters of a 11419
tax levied under section 718.09, 718.10, 5705.194, 5705.21, 11420
5748.02, or 5748.08 of the Revised Code, that is not a renewal or 11421
replacement levy, or a levy under section 5705.199 of the Revised 11422
Code, and that will provide new operating revenue. Notwithstanding 11423
any provision of Chapter 133. or sections 3313.483 to 3313.4811 of 11424
the Revised Code, following the required approval of the district 11425
voters and with the approval of the commission, the school 11426
district may issue securities to evidence the restructuring or 11427
refinancing. Those securities may extend the original period for 11428
repayment, not to exceed ten years, and may alter the frequency 11429
and amount of repayments, interest or other financing charges, and 11430
other terms of agreements under which the debt originally was 11431
contracted, at the discretion of the commission, provided that any 11432
loans received pursuant to section 3313.483 of the Revised Code 11433
shall be paid from funds the district would otherwise receive 11434
under sections 3317.022 to 3317.025 of the Revised Code, as 11435
required under division (E)(3) of section 3313.483 of the Revised 11436
Code. The securities issued for the purpose of restructuring or 11437
refinancing the debt shall be repaid in equal payments and at 11438
equal intervals over the term of the debt and are not eligible to 11439
be included in any subsequent proposal for the purpose of 11440
restructuring or refinancing debt under this section. 11441

(B) Any financial recovery plan may be amended subsequent to 11442

its adoption. Each financial recovery plan shall be updated 11443
annually. 11444

(C) Each school district financial planning and supervision 11445
commission shall submit the financial recovery plan it adopts or 11446
updates under this section to the state superintendent of public 11447
instruction for approval immediately following its adoption or 11448
updating. The state superintendent shall evaluate the plan and 11449
either approve or disapprove it within thirty calendar days from 11450
the date of its submission. If the plan is disapproved, the state 11451
superintendent shall recommend modifications that will render it 11452
acceptable. No financial planning and supervision commission shall 11453
implement a financial recovery plan that is adopted or updated on 11454
or after April 10, 2001, unless the state superintendent has 11455
approved it. 11456

Sec. 3316.08. During a school district's fiscal emergency 11457
period, the auditor of state shall determine annually, or at any 11458
other time upon request of the financial planning and supervision 11459
commission, whether the school district will incur an operating 11460
deficit. If the auditor of state determines that a school district 11461
will incur an operating deficit, the auditor of state shall 11462
certify that determination to the superintendent of public 11463
instruction, the financial planning and supervision commission, 11464
and the board of education of the school district. Upon receiving 11465
the auditor of state's certification, the commission shall adopt a 11466
resolution requesting that the board of education work with the 11467
county auditor or tax commissioner to estimate the amount and rate 11468
of a tax levy that is needed under section 5705.194, 5709.199, or 11469
5705.21 or Chapter 5748. of the Revised Code to produce a positive 11470
fund balance not later than the fifth year of the five-year 11471
forecast submitted under section 5705.391 of the Revised Code. 11472

The board of education shall recommend to the commission 11473

whether the board supports or opposes a tax levy under section 11474
5705.194, 5709.199, or 5705.21 or Chapter 5748. of the Revised 11475
Code and shall provide supporting documentation to the commission 11476
of its recommendation. 11477

After considering the board of education's recommendation and 11478
supporting documentation, the commission shall adopt a resolution 11479
to either submit a ballot question proposing a tax levy or not to 11480
submit such a question. 11481

Except as otherwise provided in this division, the tax shall 11482
be levied in the manner prescribed for a tax levied under section 11483
5705.194, 5709.199, or 5705.21 or under Chapter 5748. of the 11484
Revised Code. If the commission decides that a tax should be 11485
levied, the tax shall be levied for the purpose of paying current 11486
operating expenses of the school district. The rate of a tax 11487
levied under section 5705.194, 5709.199, or 5705.21 of the Revised 11488
Code shall be determined by the county auditor, and the rate of a 11489
tax levied under section 5748.02 or 5748.08 of the Revised Code 11490
shall be determined by the tax commissioner, upon the request of 11491
the commission. The commission, in consultation with the board of 11492
education, shall determine the election at which the question of 11493
the tax shall appear on the ballot, and the commission shall 11494
submit a copy of its resolution to the board of elections not 11495
later than seventy-five days prior to the day of that election. 11496
The board of elections conducting the election shall certify the 11497
results of the election to the board of education and to the 11498
financial planning and supervision commission. 11499

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the 11500
Revised Code, the amounts required to be paid to a district under 11501
this chapter shall be adjusted by the amount of the computations 11502
made under divisions (B) to ~~(P)~~(N) of this section. 11503

As used in this section: 11504

(1) "Classroom teacher" means a licensed employee who 11505
provides direct instruction to pupils, excluding teachers funded 11506
from money paid to the district from federal sources; educational 11507
service personnel; and vocational and special education teachers. 11508

(2) "Educational service personnel" shall not include such 11509
specialists funded from money paid to the district from federal 11510
sources or assigned full-time to vocational or special education 11511
students and classes and may only include those persons employed 11512
in the eight specialist areas in a pattern approved by the 11513
department of education under guidelines established by the state 11514
board of education. 11515

(3) "Annual salary" means the annual base salary stated in 11516
the state minimum salary schedule for the performance of the 11517
teacher's regular teaching duties that the teacher earns for 11518
services rendered for the first full week of October of the fiscal 11519
year for which the adjustment is made under division (C) of this 11520
section. It shall not include any salary payments for supplemental 11521
teachers contracts. 11522

(4) "Regular student population" means the formula ADM plus 11523
the number of students reported as enrolled in the district 11524
pursuant to division (A)(1) of section 3313.981 of the Revised 11525
Code; minus the number of students reported under division (A)(2) 11526
of section 3317.03 of the Revised Code; minus the FTE of students 11527
reported under division (B)(6), (7), (8), (9), (10), (11), or (12) 11528
of that section who are enrolled in a vocational education class 11529
or receiving special education; and minus twenty per cent of the 11530
students enrolled concurrently in a joint vocational school 11531
district. 11532

(5) "State share percentage" has the same meaning as in 11533
section 3317.022 of the Revised Code. 11534

(6) "VEPD" means a school district or group of school 11535

districts designated by the department of education as being 11536
responsible for the planning for and provision of vocational 11537
education services to students within the district or group. 11538

(7) "Lead district" means a school district, including a 11539
joint vocational school district, designated by the department as 11540
a VEPD, or designated to provide primary vocational education 11541
leadership within a VEPD composed of a group of districts. 11542

(B) If the district employs less than one full-time 11543
equivalent classroom teacher for each twenty-five pupils in the 11544
regular student population in any school district, deduct the sum 11545
of the amounts obtained from the following computations: 11546

(1) Divide the number of the district's full-time equivalent 11547
classroom teachers employed by one twenty-fifth; 11548

(2) Subtract the quotient in (1) from the district's regular 11549
student population; 11550

(3) Multiply the difference in (2) by seven hundred fifty-two 11551
dollars. 11552

(C) If a positive amount, add one-half of the amount obtained 11553
by multiplying the number of full-time equivalent classroom 11554
teachers by: 11555

(1) The mean annual salary of all full-time equivalent 11556
classroom teachers employed by the district at their respective 11557
training and experience levels minus; 11558

(2) The mean annual salary of all such teachers at their 11559
respective levels in all school districts receiving payments under 11560
this section. 11561

The number of full-time equivalent classroom teachers used in 11562
this computation shall not exceed one twenty-fifth of the 11563
district's regular student population. In calculating the 11564
district's mean salary under this division, those full-time 11565

equivalent classroom teachers with the highest training level 11566
shall be counted first, those with the next highest training level 11567
second, and so on, in descending order. Within the respective 11568
training levels, teachers with the highest years of service shall 11569
be counted first, the next highest years of service second, and so 11570
on, in descending order. 11571

(D) This division does not apply to a school district that 11572
has entered into an agreement under division (A) of section 11573
3313.42 of the Revised Code. Deduct the amount obtained from the 11574
following computations if the district employs fewer than five 11575
full-time equivalent educational service personnel, including 11576
elementary school art, music, and physical education teachers, 11577
counselors, librarians, visiting teachers, school social workers, 11578
and school nurses for each one thousand pupils in the regular 11579
student population: 11580

(1) Divide the number of full-time equivalent educational 11581
service personnel employed by the district by five 11582
one-thousandths; 11583

(2) Subtract the quotient in (1) from the district's regular 11584
student population; 11585

(3) Multiply the difference in (2) by ninety-four dollars. 11586

(E) If a local school district, or a city or exempted village 11587
school district to which a governing board of an educational 11588
service center provides services pursuant to section 3313.843 of 11589
the Revised Code, deduct the amount of the payment required for 11590
the reimbursement of the governing board under section 3317.11 of 11591
the Revised Code. 11592

(F)(1) If the district is required to pay to or entitled to 11593
receive tuition from another school district under division (C)(2) 11594
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 11595
or if the superintendent of public instruction is required to 11596

determine the correct amount of tuition and make a deduction or 11597
credit under section 3317.08 of the Revised Code, deduct and 11598
credit such amounts as provided in division (J) of section 3313.64 11599
or section 3317.08 of the Revised Code. 11600

(2) For each child for whom the district is responsible for 11601
tuition or payment under division (A)(1) of section 3317.082 or 11602
section 3323.091 of the Revised Code, deduct the amount of tuition 11603
or payment for which the district is responsible. 11604

(G) If the district has been certified by the superintendent 11605
of public instruction under section 3313.90 of the Revised Code as 11606
not in compliance with the requirements of that section, deduct an 11607
amount equal to ten per cent of the amount computed for the 11608
district under section 3317.022 of the Revised Code. 11609

(H) If the district has received a loan from a commercial 11610
lending institution for which payments are made by the 11611
superintendent of public instruction pursuant to division (E)(3) 11612
of section 3313.483 of the Revised Code, deduct an amount equal to 11613
such payments. 11614

(I)(1) If the district is a party to an agreement entered 11615
into under division (D), (E), or (F) of section 3311.06 or 11616
division (B) of section 3311.24 of the Revised Code and is 11617
obligated to make payments to another district under such an 11618
agreement, deduct an amount equal to such payments if the district 11619
school board notifies the department in writing that it wishes to 11620
have such payments deducted. 11621

(2) If the district is entitled to receive payments from 11622
another district that has notified the department to deduct such 11623
payments under division (I)(1) of this section, add the amount of 11624
such payments. 11625

(J) If the district is required to pay an amount of funds to 11626
a cooperative education district pursuant to a provision described 11627

by division (B)(4) of section 3311.52 or division (B)(8) of 11628
section 3311.521 of the Revised Code, deduct such amounts as 11629
provided under that provision and credit those amounts to the 11630
cooperative education district for payment to the district under 11631
division (B)(1) of section 3317.19 of the Revised Code. 11632

(K)(1) If a district is educating a student entitled to 11633
attend school in another district pursuant to a shared education 11634
contract, compact, or cooperative education agreement other than 11635
an agreement entered into pursuant to section 3313.842 of the 11636
Revised Code, credit to that educating district on an FTE basis 11637
both of the following: 11638

(a) An amount equal to the sum of the formula amount plus the 11639
per pupil amount of the base funding supplements specified in 11640
divisions (C)(1) to (4) of section 3317.012 of the Revised Code. 11641

(b) An amount equal to the current formula amount times the 11642
state share percentage times any multiple applicable to the 11643
student pursuant to section 3317.013 or 3317.014 of the Revised 11644
Code. 11645

(2) Deduct any amount credited pursuant to division (K)(1) of 11646
this section from amounts paid to the school district in which the 11647
student is entitled to attend school pursuant to section 3313.64 11648
or 3313.65 of the Revised Code. 11649

(3) If the district is required by a shared education 11650
contract, compact, or cooperative education agreement to make 11651
payments to an educational service center, deduct the amounts from 11652
payments to the district and add them to the amounts paid to the 11653
service center pursuant to section 3317.11 of the Revised Code. 11654

(L)(1) If a district, including a joint vocational school 11655
district, is a lead district of a VEPD, credit to that district 11656
the amounts calculated for all the school districts within that 11657
VEPD pursuant to division (E)(2) of section 3317.022 of the 11658

Revised Code. 11659

(2) Deduct from each appropriate district that is not a lead 11660
district, the amount attributable to that district that is 11661
credited to a lead district under division (L)(1) of this section. 11662

(M) If the department pays a joint vocational school district 11663
under division (G)(4) of section 3317.16 of the Revised Code for 11664
excess costs of providing special education and related services 11665
to a student with a disability, as calculated under division 11666
(G)(2) of that section, the department shall deduct the amount of 11667
that payment from the city, local, or exempted village school 11668
district that is responsible as specified in that section for the 11669
excess costs. 11670

(N)(1) If the district reports an amount of excess cost for 11671
special education services for a child under division (C) of 11672
section 3323.14 of the Revised Code, the department shall pay that 11673
amount to the district. 11674

(2) If the district reports an amount of excess cost for 11675
special education services for a child under division (C) of 11676
section 3323.14 of the Revised Code, the department shall deduct 11677
that amount from the district of residence of that child. 11678

~~(O) If the department of job and family services presents to 11679
the department of education a payment request through an 11680
intrastate transfer voucher for the nonfederal share of 11681
reimbursements made to a school district for medicaid services 11682
provided by the district, the department of education shall pay 11683
the amount of that request to the department of job and family 11684
services and shall deduct the amount of that payment from the 11685
district. 11686~~

~~(P) If the department is required to pay an amount under 11687
section 3353.25 of the Revised Code to a school district 11688
delivering a course included in the clearinghouse established 11689~~

~~under section 3353.21 of the Revised Code for a student enrolled 11690
in a school district, the department shall deduct that amount from 11691
the school district in which the student is enrolled. 11692~~

Sec. 3317.11. (A) As used in this section: 11693

(1) "Client school district" means a city or exempted village 11694
school district that has entered into an agreement under section 11695
3313.843 of the Revised Code to receive any services from an 11696
educational service center. 11697

(2) "Service center ADM" means the sum of the total student 11698
counts of all local school districts within an educational service 11699
center's territory and all of the service center's client school 11700
districts. 11701

(3) "STEM school" means a science, technology, engineering, 11702
and mathematics school established under Chapter 3326. of the 11703
Revised Code. 11704

(4) "Total student count" has the same meaning as in section 11705
3301.011 of the Revised Code. 11706

(B)(1) The governing board of each educational service center 11707
shall provide supervisory services to each local school district 11708
within the service center's territory. Each city or exempted 11709
village school district that enters into an agreement under 11710
section 3313.843 of the Revised Code for a governing board to 11711
provide any services also is considered to be provided supervisory 11712
services by the governing board. Except as provided in division 11713
(B)(2) of this section, the supervisory services shall not exceed 11714
one supervisory teacher for the first fifty classroom teachers 11715
required to be employed in the districts, as calculated under 11716
section 3317.023 of the Revised Code, and one for each additional 11717
one hundred required classroom teachers, as so calculated. 11718

The supervisory services shall be financed annually through 11719

supervisory units. Except as provided in division (B)(2) of this 11720
section, the number of supervisory units assigned to each district 11721
shall not exceed one unit for the first fifty classroom teachers 11722
required to be employed in the district, as calculated under 11723
section 3317.023 of the Revised Code, and one for each additional 11724
one hundred required classroom teachers, as so calculated. The 11725
cost of each supervisory unit shall be the sum of: 11726

(a) The minimum salary prescribed by section 3317.13 of the 11727
Revised Code for the licensed supervisory employee of the 11728
governing board; 11729

(b) An amount equal to fifteen per cent of the salary 11730
prescribed by section 3317.13 of the Revised Code; 11731

(c) An allowance for necessary travel expenses, limited to 11732
the lesser of two hundred twenty-three dollars and sixteen cents 11733
per month or two thousand six hundred seventy-eight dollars per 11734
year. 11735

(2) If a majority of the boards of education, or 11736
superintendents acting on behalf of the boards, of the local and 11737
client school districts receiving services from the educational 11738
service center agree to receive additional supervisory services 11739
and to pay the cost of a corresponding number of supervisory units 11740
in excess of the services and units specified in division (B)(1) 11741
of this section, the service center shall provide the additional 11742
services as agreed to by the majority of districts to, and the 11743
department of education shall apportion the cost of the 11744
corresponding number of additional supervisory units pursuant to 11745
division (B)(3) of this section among, all of the service center's 11746
local and client school districts. 11747

(3) The department shall apportion the total cost for all 11748
supervisory units among the service center's local and client 11749
school districts based on each district's total student count. The 11750

department shall deduct each district's apportioned share pursuant 11751
to division (E) of section 3317.023 of the Revised Code and pay 11752
the apportioned share to the service center. 11753

(C) The department annually shall deduct from each local and 11754
client school district of each educational service center, 11755
pursuant to division (E) of section 3317.023 of the Revised Code, 11756
and pay to the service center an amount equal to six dollars and 11757
fifty cents times the school district's total student count. The 11758
board of education, or the superintendent acting on behalf of the 11759
board, of any local or client school district may agree to pay an 11760
amount in excess of six dollars and fifty cents per student in 11761
total student count. If a majority of the boards of education, or 11762
superintendents acting on behalf of the boards, of the local 11763
school districts within a service center's territory approve an 11764
amount in excess of six dollars and fifty cents per student in 11765
total student count, the department shall deduct the approved 11766
excess per student amount from all of the local school districts 11767
within the service center's territory and pay the excess amount to 11768
the service center. 11769

(D) The department shall pay each educational service center 11770
the amounts due to it from school districts pursuant to contracts, 11771
compacts, or agreements under which the service center furnishes 11772
services to the districts or their students. In order to receive 11773
payment under this division, an educational service center shall 11774
furnish either a copy of the contract, compact, or agreement 11775
clearly indicating the amounts of the payments, or a written 11776
statement that clearly indicates the payments owed and is signed 11777
by the superintendent or treasurer of the responsible school 11778
district. The amounts paid to service centers under this division 11779
shall be deducted from payments to school districts pursuant to 11780
division (K)(3) of section 3317.023 of the Revised Code. 11781

(E) Each school district's deduction under this section and 11782

divisions (E) and (K)(3) of section 3317.023 of the Revised Code 11783
shall be made from the total payment computed for the district 11784
under this chapter, after making any other adjustments in that 11785
payment required by law. 11786

(F)(1) Except as provided in division (F)(2) of this section, 11787
the department annually shall pay the governing board of each 11788
educational service center state funds equal to thirty-seven 11789
dollars times its service center ADM. 11790

(2) The department annually shall pay state funds equal to 11791
forty dollars and fifty-two cents times the service center ADM to 11792
each educational service center comprising territory that was 11793
included in the territory of at least three former service centers 11794
or county school districts, which former centers or districts 11795
engaged in one or more mergers under section 3311.053 of the 11796
Revised Code to form the present center. 11797

(G) Each city, exempted village, local, joint vocational, or 11798
cooperative education school district shall pay to the governing 11799
board of an educational service center any amounts agreed to for 11800
each child enrolled in the district who receives special education 11801
and related services or career-technical education from the 11802
educational service center, unless these educational services are 11803
provided pursuant to a contract, compact, or agreement for which 11804
the department deducts and transfers payments under division (D) 11805
of this section and division (K)(3) of section 3317.023 of the 11806
Revised Code. 11807

(H) The department annually shall pay the governing board of 11808
each educational service center that has entered into a contract 11809
with a STEM school for the provision of services described in 11810
division (B) of section 3326.45 of the Revised Code state funds 11811
equal to the per-pupil amount specified in the contract for the 11812
provision of those services times the number of students enrolled 11813
in the STEM school. 11814

(I) An educational service center:	11815
(1) May provide special education and career-technical education to students in its local or client school districts;	11816 11817
(2) Is eligible for transportation funding under division (G) of section 3317.024 of the Revised Code and for state subsidies for the purchase of school buses under section 3317.07 of the Revised Code;	11818 11819 11820 11821
(3) May apply for and receive gifted education units and provide gifted education services to students in its local or client school districts;	11822 11823 11824
(4) May conduct driver education for high school students in accordance with Chapter 4508. of the Revised Code.	11825 11826
Sec. 3317.20. This section does not apply to preschool children with disabilities.	11827 11828
(A) As used in this section:	11829
(1) "Applicable weight" means the multiple specified in section 3317.013 of the Revised Code for a disability described in that section.	11830 11831 11832
(2) "Child's school district" means the school district in which a child is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	11833 11834 11835
(3) "State share percentage" means the state share percentage of the child's school district as defined in section 3317.022 of the Revised Code.	11836 11837 11838
(B) Except as provided in division (C) of this section, the department shall annually pay each county MR/DD board for each child with a disability, other than a preschool child with a disability, for whom the county MR/DD board provides special education and related services an amount equal to the formula	11839 11840 11841 11842 11843

amount + (state share percentage X formula amount X the applicable weight). 11844
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(C) If any school district places with a county MR/DD board more children with disabilities than it had placed with a county MR/DD board in fiscal year 1998, the department shall not make a payment under division (B) of this section for the number of children exceeding the number placed in fiscal year 1998. The department instead shall deduct from the district's payments under this chapter, and pay to the county MR/DD board, an amount calculated in accordance with the formula prescribed in division (B) of this section for each child over the number of children placed in fiscal year 1998. 11846
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(D) The department shall calculate for each county MR/DD board receiving payments under divisions (B) and (C) of this section the following amounts: 11856
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(1) The amount received by the county MR/DD board for approved special education and related services units, other than units for preschool children with disabilities, in fiscal year 1998, divided by the total number of children served in the units that year; 11859
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(2) The product of the quotient calculated under division (D)(1) of this section times the number of children for whom payments are made under divisions (B) and (C) of this section. 11864
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If the amount calculated under division (D)(2) of this section is greater than the total amount calculated under divisions (B) and (C) of this section, the department shall pay the county MR/DD board one hundred per cent of the difference in addition to the payments under divisions (B) and (C) of this section. 11867
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(E) Each county MR/DD board shall report to the department, in the manner specified by the department, the name of each child 11873
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for whom the county MR/DD board provides special education and related services and the child's school district. 11875
11876

(F)(1) For the purpose of verifying the accuracy of the payments under this section, the department may request from either of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any child who is placed with a county MR/DD board: 11877
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(a) The child's school district; 11882

(b) The independent contractor engaged to create and maintain data verification codes. 11883
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(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. 11885
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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. 11894
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(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. 11898
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11900

(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 11901
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149.43 of the Revised Code. 11906

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the 11907
Revised Code: 11908

(A) "Ohio school facilities commission" means the commission 11909
created pursuant to section 3318.30 of the Revised Code. 11910

(B) "Classroom facilities" means rooms in which pupils 11911
regularly assemble in public school buildings to receive 11912
instruction and education and such facilities and building 11913
improvements for the operation and use of such rooms as may be 11914
needed in order to provide a complete educational program, and may 11915
include space within which a child care facility or a community 11916
resource center is housed. "Classroom facilities" includes any 11917
space necessary for the operation of a vocational education 11918
program for secondary students in any school district that 11919
operates such a program. 11920

(C) "Project" means a project to construct or acquire 11921
classroom facilities, or to reconstruct or make additions to 11922
existing classroom facilities, to be used for housing the 11923
applicable school district and its functions. 11924

For a district that opts to divide its entire classroom 11925
facilities needs into segments to be completed separately, as 11926
authorized by section 3318.034 of the Revised Code, "project" 11927
means a segment. 11928

(D) "School district" means a local, exempted village, or 11929
city school district as such districts are defined in Chapter 11930
3311. of the Revised Code, acting as an agency of state 11931
government, performing essential governmental functions of state 11932
government pursuant to sections 3318.01 to 3318.20 of the Revised 11933
Code. 11934

For purposes of assistance provided under sections 3318.40 to 11935

3318.45 of the Revised Code, the term "school district" as used in 11936
this section and in divisions (A), (C), and (D) of section 3318.03 11937
and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 11938
3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 11939
3318.14, 3318.15, 3318.16, 3318.19, and 3318.20 of the Revised 11940
Code means a joint vocational school district established pursuant 11941
to section 3311.18 of the Revised Code. 11942

(E) "School district board" means the board of education of a 11943
school district. 11944

(F) "Net bonded indebtedness" means the difference between 11945
the sum of the par value of all outstanding and unpaid bonds and 11946
notes which a school district board is obligated to pay and any 11947
amounts the school district is obligated to pay under 11948
lease-purchase agreements entered into under section 3313.375 of 11949
the Revised Code, and the amount held in the sinking fund and 11950
other indebtedness retirement funds for their redemption. Notes 11951
issued for school buses in accordance with section 3327.08 of the 11952
Revised Code, notes issued in anticipation of the collection of 11953
current revenues, and bonds issued to pay final judgments shall 11954
not be considered in calculating the net bonded indebtedness. 11955

"Net bonded indebtedness" does not include indebtedness 11956
arising from the acquisition of land to provide a site for 11957
classroom facilities constructed, acquired, or added to pursuant 11958
to sections 3318.01 to 3318.20 of the Revised Code or the par 11959
value of bonds that have been authorized by the electors and the 11960
proceeds of which will be used by the district to provide any part 11961
of its portion of the basic project cost. 11962

(G) "Board of elections" means the board of elections of the 11963
county containing the most populous portion of the school 11964
district. 11965

(H) "County auditor" means the auditor of the county in which 11966

the greatest value of taxable property of such school district is 11967
located. 11968

(I) "Tax duplicates" means the general tax lists and 11969
duplicates prescribed by sections 319.28 and 319.29 of the Revised 11970
Code. 11971

(J) "Required level of indebtedness" means: 11972

(1) In the case of school districts in the first percentile, 11973
five per cent of the district's valuation for the year preceding 11974
the year in which the controlling board approved the project under 11975
section 3318.04 of the Revised Code. 11976

(2) In the case of school districts ranked in a subsequent 11977
percentile, five per cent of the district's valuation for the year 11978
preceding the year in which the controlling board approved the 11979
project under section 3318.04 of the Revised Code, plus [two 11980
one-hundredths of one per cent multiplied by (the percentile in 11981
which the district ranks for the fiscal year preceding the fiscal 11982
year in which the controlling board approved the district's 11983
project minus one)]. 11984

(K) "Required percentage of the basic project costs" means 11985
one per cent of the basic project costs times the percentile in 11986
which the school district ranks for the fiscal year preceding the 11987
fiscal year in which the controlling board approved the district's 11988
project. 11989

(L) "Basic project cost" means a cost amount determined in 11990
accordance with rules adopted under section 111.15 of the Revised 11991
Code by the Ohio school facilities commission. The basic project 11992
cost calculation shall take into consideration the square footage 11993
and cost per square foot necessary for the grade levels to be 11994
housed in the classroom facilities, the variation across the state 11995
in construction and related costs, the cost of the installation of 11996
site utilities and site preparation, the cost of demolition of all 11997

or part of any existing classroom facilities that are abandoned 11998
under the project, the cost of insuring the project until it is 11999
completed, any contingency reserve amount prescribed by the 12000
commission under section 3318.086 of the Revised Code, and the 12001
professional planning, administration, and design fees that a 12002
school district may have to pay to undertake a classroom 12003
facilities project. 12004

For a joint vocational school district that receives 12005
assistance under sections 3318.40 to 3318.45 of the Revised Code, 12006
the basic project cost calculation for a project under those 12007
sections shall also take into account the types of laboratory 12008
spaces and program square footages needed for the vocational 12009
education programs for high school students offered by the school 12010
district. 12011

For a district that opts to divide its entire classroom 12012
facilities needs into segments, each segment to be completed as a 12013
separate project, as authorized by section 3318.034 of the Revised 12014
Code, "basic project cost" means the cost determined in accordance 12015
with this division of a segment. 12016

(M)(1) Except for a joint vocational school district that 12017
receives assistance under sections 3318.40 to 3318.45 of the 12018
Revised Code, a "school district's portion of the basic project 12019
cost" means the amount determined under section 3318.032 of the 12020
Revised Code. 12021

(2) For a joint vocational school district that receives 12022
assistance under sections 3318.40 to 3318.45 of the Revised Code, 12023
a "school district's portion of the basic project cost" means the 12024
amount determined under division (C) of section 3318.42 of the 12025
Revised Code. 12026

(N) "Child care facility" means space within a classroom 12027
facility in which the needs of infants, toddlers, preschool 12028

children, and school children are provided for by persons other 12029
than the parent or guardian of such children for any part of the 12030
day, including persons not employed by the school district 12031
operating such classroom facility. 12032

(O) "Community resource center" means space within a 12033
classroom facility in which comprehensive services that support 12034
the needs of families and children are provided by community-based 12035
social service providers. 12036

(P) "Valuation" means the total value of all property in the 12037
school district as listed and assessed for taxation on the tax 12038
duplicates. 12039

(Q) "Percentile" means the percentile in which the school 12040
district is ranked pursuant to section 3318.011 of the Revised 12041
Code. 12042

(R) "Installation of site utilities" means the installation 12043
of a site domestic water system, site fire protection system, site 12044
gas distribution system, site sanitary system, site storm drainage 12045
system, and site telephone and data system. 12046

(S) "Site preparation" means the earthwork necessary for 12047
preparation of the building foundation system, the paved 12048
pedestrian and vehicular circulation system, playgrounds on the 12049
project site, and lawn and planting on the project site. 12050

Sec. 3318.03. (A) Before conducting an on-site evaluation of 12051
a school district under section 3318.02 of the Revised Code, at 12052
the request of the district board of education, the Ohio school 12053
facilities commission shall examine any classroom facilities needs 12054
assessment that has been conducted by the district and any master 12055
plan developed for meeting the facility needs of the district. 12056

(B) Upon conducting the on-site evaluation under section 12057
3318.02 of the Revised Code, the Ohio school facilities commission 12058

shall make a determination of all of the following: 12059

(1) The needs of the school district for additional classroom 12060
facilities; 12061

(2) The number of classroom facilities to be included in a 12062
project and the basic project cost of constructing, acquiring, 12063
reconstructing, or making additions to each such facility; 12064

(3) The amount of such cost that the school district can 12065
supply from available funds, by the issuance of bonds previously 12066
authorized by the electors of the school district the proceeds of 12067
which can lawfully be used for the project and by the issuance of 12068
bonds under section 3318.05 of the Revised Code; 12069

(4) The remaining amount of such cost that shall be supplied 12070
by the state; 12071

(5) The amount of the state's portion to be encumbered in 12072
accordance with section 3318.11 of the Revised Code in the current 12073
and subsequent fiscal years from funds appropriated for purposes 12074
of sections 3318.01 to 3318.20 of the Revised Code. 12075

For a district that opts to divide its entire classroom 12076
facilities needs into segments to be completed separately, as 12077
authorized by section 3318.034 of the Revised Code, the 12078
determinations made under divisions (B)(1) to (5) of this section 12079
apply only to the segment that currently is proceeding as a 12080
separate project in accordance with section 3318.034 of the 12081
Revised Code. 12082

(C) The commission shall make a determination in favor of 12083
constructing, acquiring, reconstructing, or making additions to a 12084
classroom facility only upon evidence that the proposed project 12085
conforms to sound educational practice, that it is in keeping with 12086
the orderly process of school district reorganization and 12087
consolidation, and that the actual or projected enrollment in each 12088
classroom facility proposed to be included in the project is at 12089

least three hundred fifty pupils. Exceptions shall be authorized 12090
only in those districts where topography, sparsity of population, 12091
and other factors make larger schools impracticable. 12092

If the school district board determines that an existing 12093
facility has historical value or for other good cause determines 12094
that an existing facility should be renovated in lieu of acquiring 12095
a comparable facility by new construction, the commission may 12096
approve the expenditure of project funds for the renovation of 12097
that facility up to but not exceeding one hundred per cent of the 12098
estimated cost of acquiring a comparable facility by new 12099
construction, as long as the commission determines that the 12100
facility when renovated can be operationally efficient, will be 12101
adequate for the future needs of the district, and will comply 12102
with the other provisions of this division. 12103

(D) Sections 125.81 and 153.04 of the Revised Code shall not 12104
apply to classroom facilities constructed under either sections 12105
3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised 12106
Code. 12107

Sec. 3318.032. (A) The Except as otherwise provided in 12108
divisions (C) and (D) of this section, the portion of the basic 12109
project cost supplied by the school district shall be the greater 12110
of: 12111

(1) The required percentage of the basic project costs; 12112

(2) An (a) For all districts except a district that opts to 12113
divide its entire classroom facilities needs into segments to be 12114
completed separately as authorized by section 3318.034 of the 12115
Revised Code, an amount necessary to raise the school district's 12116
net bonded indebtedness, as of the date the controlling board 12117
approved the project, to within five thousand dollars of the 12118
required level of indebtedness-; 12119

(b) 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, an amount necessary to raise the school district's net bonded indebtedness, as of the date the controlling board approved the segment as a separate project, to within five thousand dollars of the following:

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)

(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.

~~(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.

(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 12152
period prior to the date on which the controlling board approves 12153
the new project, the district's portion of the basic project cost 12154
for the new project shall be the lesser of the following: 12155

(1) The portion calculated under division (A) of this 12156
section; 12157

(2) The greater of the following: 12158

(a) The required percentage of the basic project costs for 12159
the new project; 12160

(b) The percentage of the basic project cost paid by the 12161
district for the previous project. 12162

Sec. 3318.033. (A) As used in this section: 12163

(1) "Formula ADM" has the same meaning as in section 3317.02 12164
of the Revised Code. 12165

(2) "Open enrollment net gain" has the same meaning as in 12166
section 3318.011 of the Revised Code. 12167

(B) This section applies to each school district that meets 12168
the following criteria: 12169

(1) The Ohio school facilities commission certified its 12170
conditional approval of the district's project under sections 12171
3318.01 to 3318.20 of the Revised Code after July 1, 2006, and 12172
prior to September 29, 2007, and the project had not been 12173
completed as of September 29, 2007. 12174

(2) Within one year after the date of the commission's 12175
certification of its conditional approval, the district's electors 12176
approved a bond issue to pay the district's portion of the basic 12177
project cost or the district board of education complied with 12178
section 3318.052 of the Revised Code. 12179

(3) In the fiscal year prior to the fiscal year in which the 12180

district's project was conditionally approved, the district had an 12181
open enrollment net gain that was ten per cent or more of its 12182
formula ADM. 12183

(C) For each school district to which this section applies, 12184
the department of education shall recalculate the district's 12185
percentile ranking under section 3318.011 of the Revised Code for 12186
the fiscal year prior to the fiscal year in which the district's 12187
project was conditionally approved and shall report the 12188
recalculated percentile ranking to the commission. For this 12189
purpose, the department shall recalculate every school district's 12190
percentile ranking for that fiscal year using the district's 12191
"valuation per pupil" as that term is defined in section 3318.011 12192
of the Revised Code on and after September 29, 2007. 12193

(D) For each school district to which this section applies, 12194
the commission shall use the recalculated percentile ranking 12195
reported under division (C) of this section to determine the 12196
district's portion of the basic project cost under section 12197
3318.032 of the Revised Code. The commission shall not use the 12198
recalculated percentile ranking for any other purpose, and the 12199
recalculated ranking shall not affect any other district's portion 12200
of the basic project cost under section 3318.032 of the Revised 12201
Code or any district's eligibility for assistance under sections 12202
3318.01 to 3318.20 of the Revised Code. The commission shall 12203
revise the agreement entered into under section 3318.08 of the 12204
Revised Code to reflect the district's new portion of the basic 12205
project cost as determined under this division. 12206

Sec. 3318.034. (A) This section applies to any school 12207
district that is offered assistance under sections 3318.01 to 12208
3318.20 of the Revised Code on or after the effective date of this 12209
section. 12210

Notwithstanding any provision of this chapter to the 12211

contrary, with the approval of the Ohio school facilities 12212
commission, any school district to which this section applies may 12213
opt to divide the district's entire classroom facilities needs, as 12214
those needs are jointly determined by the staff of the commission 12215
and the school district, into discrete segments and may proceed 12216
with each segment sequentially as a separate project under those 12217
sections. That project shall comply with all of the provisions of 12218
those sections unless otherwise provided in this section. 12219

(B) Each segment shall comply with all of the following: 12220

(1) The segment shall consist of the new construction of one 12221
or more entire buildings or the complete renovation of one or more 12222
entire existing buildings, with any necessary additions to that 12223
building. 12224

(2) The segment shall not include any construction of or 12225
renovation or repair to any building that does not complete the 12226
needs of the district with respect to that particular building at 12227
the time the segment is completed. 12228

(3) The segment shall consist of new construction, 12229
renovations, additions, reconstruction, or repair of classroom 12230
facilities to the extent that the school district portion, as 12231
determined under section 3318.032 of the Revised Code, is an 12232
amount not less than the amount that likely would be generated 12233
from a property tax of three mills times the district's valuation 12234
for twenty-three years, unless the district previously has 12235
undertaken a segment as a separate project under this section and 12236
the district's portion of the estimated basic project cost of the 12237
remainder of its entire classroom facilities needs, as determined 12238
jointly by the staff of the commission and the district, is less 12239
than the amount otherwise required by this division. 12240

(C) The commission shall conditionally approve and seek 12241
controlling board approval in accordance with division (A) of 12242

section 3318.04 of the Revised Code of each segment, at the time 12243
it is proposed, as a separate project. Approval by the voting 12244
members of the commission or the controlling board of the 12245
district's entire classroom facilities needs, as determined 12246
jointly by the staff of the commission and district, shall not be 12247
required. If the commission conditionally approves and the 12248
controlling board approves the segment as a separate project, the 12249
district board accepts that approval pursuant to section 3318.05 12250
of the Revised Code, and the district electors approve any bond 12251
issuance and taxes necessary to pay the district's portion of the 12252
basic project cost or the district board otherwise raises 12253
sufficient funds, as authorized by this chapter, to pay the 12254
district's portion of the basic project cost, the commission shall 12255
enter into an agreement with the district board under section 12256
3318.08 of the Revised Code for the segment as a separate project. 12257
That agreement shall include an acknowledgment that the project 12258
covered by the agreement is only one segment of the district's 12259
entire classroom facilities needs, as determined jointly by the 12260
staff of the commission and the district, and that the district 12261
may proceed with future segments under this section at a later 12262
time, as prescribed in division (D) of this section. The 12263
commission and the district board shall enter into a separate 12264
agreement under section 3318.08 of the Revised Code for each 12265
segment. 12266

(D) A school district that undertakes a segment of its entire 12267
classroom facilities needs, as determined jointly by the staff of 12268
the commission and the district, as a separate project may 12269
undertake a subsequent segment as another separate project at any 12270
time, as long as the current percentile of the district is 12271
eligible for assistance under section 3318.02 of the Revised Code. 12272

(E) The school district portion of the basic project cost of 12273
each segment undertaken as a separate project under this section 12274

shall be determined under section 3318.032 of the Revised Code 12275
using the district's current percentile. 12276

(F) The school district's maintenance levy requirement, as 12277
defined in section 3318.18 of the Revised Code, shall run for 12278
twenty-three years from the date the first segment is undertaken. 12279

Sec. 3318.04. (A) If the Ohio school facilities commission 12280
makes a determination under section 3318.03 of the Revised Code in 12281
favor of constructing, acquiring, reconstructing, or making 12282
additions to a classroom facility, the project shall be 12283
conditionally approved. Such conditional approval shall be 12284
submitted to the controlling board for approval thereof. The 12285
controlling board shall forthwith approve or reject the 12286
commission's determination, conditional approval, the amount of 12287
the state's portion of the basic project cost, and, the amount of 12288
the state's portion to be encumbered in the current fiscal year. 12289
In the event of approval thereof by the controlling board, the 12290
commission shall certify such conditional approval to the school 12291
district board and shall encumber from the total funds 12292
appropriated for the purpose of sections 3318.01 to 3318.20 of the 12293
Revised Code the amount approved under this section to be 12294
encumbered in the current fiscal year. 12295

The basic project cost for a project approved under this 12296
section shall not exceed the cost that would otherwise have to be 12297
incurred if the classroom facilities to be constructed, acquired, 12298
or reconstructed, or the additions to be made to classroom 12299
facilities, under such project meet, but do not exceed, the 12300
specifications for plans and materials for classroom facilities 12301
adopted by the commission. 12302

(B)(1) No school district shall have a project conditionally 12303
approved pursuant to this section if the school district has 12304
already received any assistance for a project funded under any 12305

version of sections 3318.01 to 3318.20 of the Revised Code, and 12306
the prior project was one for which the electors of such district 12307
approved a levy within the last twenty years pursuant to any 12308
version of section 3318.06 of the Revised Code for purposes of 12309
qualifying for the funding of that project, unless the district 12310
demonstrates to the satisfaction of the commission that the 12311
district has experienced since approval of its prior project an 12312
exceptional increase in enrollment significantly above the 12313
district's design capacity under that prior project as determined 12314
by rule of the commission. 12315

(2) Notwithstanding division (B)(1) of this section, any 12316
school district that received assistance under sections 3318.01 to 12317
3318.20 of the Revised Code, as those sections existed prior to 12318
May 20, 1997, may receive additional assistance under those 12319
sections, as they exist on and after May 20, 1997, prior to the 12320
expiration of the period of time required under division (B)(1) of 12321
this section, if the percentile in which the school district is 12322
located, as determined under section 3318.011 of the Revised Code, 12323
is eligible for assistance as prescribed in section 3318.02 of the 12324
Revised Code. 12325

The commission may provide assistance under sections 3318.01 12326
to 3318.20 of the Revised Code pursuant to this division to no 12327
more than five school districts per fiscal year until all eligible 12328
school districts have received the additional assistance 12329
authorized under this division. The commission shall establish 12330
application procedures, deadlines, and priorities for funding 12331
projects under this division. 12332

The commission at its discretion may waive current design 12333
specifications it has adopted for projects under sections 3318.01 12334
to 3318.20 of the Revised Code when assessing an application for 12335
additional assistance under this division for the renovation of 12336
classroom facilities constructed or renovated under a school 12337

district's previous project. If the commission finds that a school 12338
district's existing classroom facilities are adequate to meet all 12339
of the school district's needs, the commission may determine that 12340
no additional state assistance be awarded to a school district 12341
under this division. 12342

In order for a school district to be eligible to receive any 12343
additional assistance under this division, the school district 12344
electors shall extend the school district's existing levy 12345
dedicated for maintenance of classroom facilities under Chapter 12346
3318. of the Revised Code, pursuant to section 3318.061 of the 12347
Revised Code or shall provide equivalent alternative maintenance 12348
funds as specified in division (A)(2) of section 3318.06 of the 12349
Revised Code. 12350

(3) Notwithstanding division (B)(1) of this section, any 12351
school district that has received assistance under sections 12352
3318.01 to 3318.20 of the Revised Code after May 20, 1997, may 12353
receive additional assistance if the commission decides in favor 12354
of providing such assistance pursuant to section 3318.042 of the 12355
Revised Code. 12356

(4) Notwithstanding division (B)(1) of this section, any 12357
school district that has opted to divide its entire classroom 12358
facilities needs into segments to be completed separately, as 12359
authorized by section 3318.034 of the Revised Code, and that has 12360
received assistance under sections 3318.01 to 3318.20 of the 12361
Revised Code for one of those segments may receive assistance 12362
under those sections for a subsequent segment. Assistance for any 12363
subsequent segment shall not include any additional work on a 12364
building included in a prior segment unless the district 12365
demonstrates to the satisfaction of the commission that the 12366
district has experienced since the completion of the prior segment 12367
an exceptional increase in enrollment in the grade levels housed 12368
in that building. 12369

Sec. 3319.291. (A) The state board of education shall require 12370
each of the following persons, at the times prescribed by division 12371
(A) of this section, to submit two complete sets of fingerprints 12372
and written permission that authorizes the superintendent of 12373
public instruction to forward the fingerprints to the bureau of 12374
criminal identification and investigation pursuant to division (F) 12375
of section 109.57 of the Revised Code and that authorizes that 12376
bureau to forward the fingerprints to the federal bureau of 12377
investigation for purposes of obtaining any criminal records that 12378
the federal bureau maintains on the person: 12379

(1) Any person initially applying for any certificate, 12380
license, or permit described in this chapter or in division (B) of 12381
section 3301.071 or in section 3301.074 of the Revised Code at the 12382
time that application is made; 12383

(2) Any person applying for renewal of any certificate, 12384
license, or permit described in division (A)(1) of this section at 12385
the time that application is made; 12386

(3) Any person who is teaching under a professional teaching 12387
certificate issued under former section 3319.22 or under section 12388
3319.222 of the Revised Code upon a date prescribed by the state 12389
board that is not later than five years after the date that the 12390
certificate was issued or renewed; 12391

(4) Any person who is teaching under a permanent teaching 12392
certificate issued under former section 3319.22 or under section 12393
3319.222 of the Revised Code upon a date prescribed by the state 12394
board and every five years thereafter. 12395

(B) Except as provided in division (C) of this section, prior 12396
to issuing or renewing any certificate, license, or permit 12397
described in division (A)(1) or (2) of this section and in the 12398
case of a person required to submit fingerprints and written 12399
permission under division (A)(3) or (4) of this section, the state 12400

board or the superintendent of public instruction shall request 12401
the superintendent of the bureau of criminal identification and 12402
investigation to investigate and determine whether the bureau has 12403
any information, gathered pursuant to division (A) of section 12404
109.57 of the Revised Code, pertaining to any person submitting 12405
fingerprints and written permission under this section and to 12406
obtain any criminal records that the federal bureau of 12407
investigation has on the person. 12408

(C) The state board or the superintendent of public 12409
instruction may choose not to request any information required by 12410
division (B) of this section if the person applying for the 12411
issuance or renewal of a certificate, license, or permit described 12412
in division (A)(1) or (2) of this section or the person required 12413
to submit fingerprints and written permission under division 12414
(A)(3) or (4) of this section provides proof that a criminal 12415
records check was conducted on the person as a condition of 12416
employment pursuant to section 3319.39 of the Revised Code within 12417
the immediately preceding year. The state board or the 12418
superintendent of public instruction may accept a certified copy 12419
of records that were issued by the bureau of criminal 12420
identification and investigation and that are presented by a 12421
person applying for the issuance or renewal of a certificate, 12422
license, or permit described in this section in lieu of requesting 12423
that information under division (B) of this section if the records 12424
were issued by the bureau within the immediately preceding year. 12425

(D) Notwithstanding divisions (A) and (B) of this section, if 12426
a person holds more than one certificate, license, or permit 12427
described in division (A)(1) of this section, the following shall 12428
apply: 12429

(1) If the certificates, licenses, or permits are of 12430
different durations, the person shall be subject to divisions 12431
(A)(2) and (B) of this section only when applying for renewal of 12432

the certificate, license, or permit that is of the longest 12433
duration. Prior to renewing any certificate, license, or permit 12434
with a shorter duration, the state board or the superintendent of 12435
public instruction shall determine whether the department of 12436
education has received any information about the person pursuant 12437
to section 109.5721 of the Revised Code, but the person shall not 12438
be subject to division (A)(2) or (B) of this section as long as 12439
the person's certificate, license, or permit with the longest 12440
duration is valid. 12441

(2) If the certificates, licenses, or permits are of the same 12442
duration but do not expire in the same year, the person shall 12443
designate one of the certificates, licenses, or permits as the 12444
person's primary certificate, license, or permit and shall notify 12445
the department of that designation. The person shall be subject to 12446
divisions (A)(2) and (B) of this section only when applying for 12447
renewal of the person's primary certificate, license, or permit. 12448
Prior to renewing any certificate, license, or permit that is not 12449
the person's primary certificate, license, or permit, the state 12450
board or the superintendent of public instruction shall determine 12451
whether the department has received any information about the 12452
person pursuant to section 109.5721 of the Revised Code, but the 12453
person shall not be subject to division (A)(2) or (B) of this 12454
section as long as the person's primary certificate, license, or 12455
permit is valid. 12456

(3) If the certificates, licenses, or permits are of the same 12457
duration and expire in the same year and the person applies for 12458
renewal of the certificates, licenses, or permits at the same 12459
time, the state board or the superintendent of public instruction 12460
shall request only one criminal records check of the person under 12461
division (B) of this section. 12462

Sec. 3323.30. ~~The Ohio center for autism and low incidence is~~ 12463

~~hereby established within the department of education's office for 12464
exceptional children, or any successor of that office. The center 12465
shall administer programs and coordinate services for infants, 12466
preschool and school age children, and adults with autism and low 12467
incidence disabilities. The center's principal focus shall be 12468
programs and services for persons with autism. The center shall be 12469
under the direction of an executive director, appointed by the 12470
superintendent of public instruction in consultation with the 12471
advisory board established under section 3323.31 of the Revised 12472
Code. The department shall use state and federal funds 12473
appropriated to the department for operation of the center. 12474~~

As used in ~~this section and in sections 3323.31 to 3323.33~~ 12475
3323.35 of the Revised Code, "autism and low incidence 12476
disabilities" includes any of the following: 12477

- (A) Autism; 12478
- (B) Hearing impairment; 12479
- (C) Multiple disabilities; 12480
- (D) Orthopedic disability; 12481
- (E) Other health impairment; 12482
- (F) Traumatic brain injury; 12483
- (G) Visual impairment. 12484

Sec. 3323.31. The Franklin county educational service center 12485
shall establish the Ohio Center for Autism and Low Incidence. The 12486
Center shall administer programs and coordinate services for 12487
infants, preschool and school-age children, and adults with autism 12488
and low incidence disabilities. The Center's principal focus shall 12489
be programs and services for persons with autism. The Center shall 12490
be under the direction of an executive director, appointed by the 12491
superintendent of the service center in consultation with the 12492
advisory board established under section 3323.33 of the Revised 12493

Code. 12494

In addition to its other duties, the Ohio Center for Autism 12495
and Low Incidence shall participate as a member of an interagency 12496
workgroup on autism, as it is established by the department of 12497
mental retardation and developmental disabilities and shall 12498
provide technical assistance and support to the department in the 12499
department's leadership role to develop and implement the 12500
initiatives identified by the workgroup. 12501

Sec. 3323.32. (A) The department of education shall contract 12502
with an entity to administer programs and coordinate services for 12503
infants, preschool and school-age children, and adults with autism 12504
and low incidence disabilities. The entity shall be selected by 12505
the superintendent of public instruction in consultation with the 12506
advisory board established under section 3323.33 of the Revised 12507
Code. 12508

The contract with the entity selected shall include, but not 12509
be limited to, the following provisions: 12510

(1) A description of the programs to be administered and 12511
services to be provided or coordinated by the entity, which shall 12512
include at least the duties prescribed by sections 3323.34 and 12513
3323.35 of the Revised Code; 12514

(2) A description of the expected outcomes from the programs 12515
administered and services provided or coordinated by the entity; 12516

(3) A stipulation that the entity's performance is subject to 12517
evaluation by the department and renewal of the entity's contract 12518
is subject to the department's satisfaction with the entity's 12519
performance; 12520

(4) A description of the measures and milestones the 12521
department will use to determine whether the performance of the 12522
entity is satisfactory; 12523

(5) Any other provision the department determines is 12524
necessary to ensure the quality of services to individuals with 12525
autism and low incidence disabilities. 12526

(B) In selecting the entity under division (A) of this 12527
section, the superintendent and the advisory board shall give 12528
primary consideration to the Ohio Center for Autism and Low 12529
Incidence, established under section 3323.31 of the Revised Code, 12530
as long as the principal goals and mission of the Center, as 12531
determined by the superintendent and the advisory board, are 12532
consistent with the requirements of divisions (A)(1) to (5) of 12533
this section. 12534

Sec. ~~3323.31~~ 3323.33. The superintendent of public 12535
instruction shall establish an advisory board to assist and advise 12536
the ~~department of education~~ Franklin county educational service 12537
center in the operation of the Ohio ~~center for autism and low~~ 12538
~~incidence~~ Center for Autism and Low Incidence and the 12539
superintendent of public instruction in selecting an entity to 12540
administer programs and coordinate services for individuals with 12541
autism and low incidence disabilities as required by section 12542
3323.32 of the Revised Code and to provide technical assistance in 12543
the provision of such services. As determined by the 12544
superintendent, the advisory board shall consist of individuals 12545
who are stakeholders in the service to persons with autism and low 12546
incidence disabilities, including, but not limited to, the 12547
following: 12548

- (A) Persons with autism and low incidence disabilities; 12549
- (B) Parents and family members; 12550
- (C) Educators and other professionals; 12551
- (D) Higher education instructors; 12552
- (E) Representatives of state agencies. 12553

The advisory board shall be organized as determined by the 12554
superintendent. 12555

Members of the advisory board shall receive no compensation 12556
for their services. 12557

Sec. ~~3323.32~~ 3323.34. The ~~Ohio center for autism and low~~ 12558
~~incidence~~ entity selected under section 3323.32 of the Revised 12559
Code shall do all of the following: 12560

(A) Collaborate and consult with state agencies that serve 12561
persons with autism and low incidence disabilities; 12562

(B) Collaborate and consult with institutions of higher 12563
education in development and implementation of courses for 12564
educators and other professionals serving persons with autism and 12565
low incidence disabilities; 12566

(C) Collaborate with parent and professional organizations; 12567

(D) Create and implement programs for professional 12568
development, technical assistance, intervention services, and 12569
research in the treatment of persons with autism and low incidence 12570
disabilities; 12571

(E) Create a regional network for communication and 12572
dissemination of information among educators and professionals 12573
serving persons with autism and low incidence disabilities. The 12574
regional network shall address educational services, evaluation, 12575
diagnosis, assistive technology, family support, leisure and 12576
recreational activities, transition, employment and adult 12577
services, and medical care for persons with autism and low 12578
incidence disabilities. 12579

(F) Develop a statewide clearinghouse for information about 12580
autism spectrum disorders and low incidence disabilities, as 12581
described in section ~~3323.33~~ 3323.35 of the Revised Code. 12582

Sec. ~~3323.33~~ 3323.35. In developing a clearinghouse for 12583
information about autism spectrum disorders and low incidence 12584
disabilities, as required under section ~~3323.32~~ 3323.34 of the 12585
Revised Code, the ~~Ohio center for autism and low incidence~~ entity 12586
selected under section 3323.32 of the Revised Code shall do all of 12587
the following: 12588

(A) Maintain a collection of resources for public 12589
distribution; 12590

(B) Monitor information on resources, trends, policies, 12591
services, and current educational interventions; 12592

(C) Respond to requests for information from parents and 12593
educators of children with autism and low incidence disabilities. 12594

Sec. 3326.45. (A) The governing body of a science, 12595
technology, engineering, and mathematics school may contract with 12596
the governing board of an educational service center or the board 12597
of education of a joint vocational school district for the 12598
provision of services to the STEM school or to any student 12599
enrolled in the school. Services provided under the contract and 12600
the amount to be paid for those services shall be mutually agreed 12601
to by the parties to the contract, and shall be specified in the 12602
contract. 12603

(B) A contract entered into under this section may require an 12604
educational service center to provide any one or a combination of 12605
the following services to a STEM school: 12606

(1) Supervisory teachers; 12607

(2) In-service and continuing education programs for 12608
personnel of the STEM school; 12609

(3) Curriculum services as provided to the local school 12610
districts under the supervision of the service center; 12611

<u>(4) Research and development programs;</u>	12612
<u>(5) Academic instruction for which the service center governing board employs teachers;</u>	12613 12614
<u>(6) Assistance in the provision of special accommodations and classes for students with disabilities.</u>	12615 12616
<u>Services described in division (B) of this section shall be provided to the STEM school in the same manner they are provided to local school districts under the service center's supervision, unless otherwise specified in the contract. The contract shall specify whether the service center will receive a per-pupil payment from the department of education for the provision of these services and, if so, the amount of the per-pupil payment, which shall not exceed the per-pupil amount paid to the service center under division (F) of section 3317.11 of the Revised Code for each student in the service center ADM.</u>	12617 12618 12619 12620 12621 12622 12623 12624 12625 12626
<u>(C) For each contract entered into under this section, the department shall deduct the amount owed by the STEM school from the state funds due to the STEM school under this chapter and shall pay that amount to the educational service center or joint vocational school district that is party to the contract. In the case of a contract with an educational service center that specifies per-pupil payments for the provision of services described in division (B) of this section, the department also shall pay the service center the amount calculated under division (H) of section 3317.11 of the Revised Code.</u>	12627 12628 12629 12630 12631 12632 12633 12634 12635 12636
<u>(D) No contract entered into under this section shall be valid unless a copy is filed with the department by the first day of the school year for which the contract is in effect.</u>	12637 12638 12639
<u>Sec. 3326.51. (A) As used in this section:</u>	12640
<u>(1) "Resident district" has the same meaning as in section</u>	12641

3326.31 of the Revised Code. 12642

(2) "STEM school sponsoring district" means a municipal, 12643
city, local, exempted village, or joint vocational school district 12644
that governs and controls a STEM school pursuant to this section. 12645

(B) Notwithstanding any other provision of this chapter to 12646
the contrary: 12647

(1) If a proposal for a STEM school submitted under section 12648
3326.03 of the Revised Code proposes that the governing body of 12649
the school be the board of education of a municipal, city, local, 12650
exempted village, or joint vocational school district that is one 12651
of the partners submitting the proposal, and the partnership for 12652
continued learning approves that proposal, that school district 12653
board shall govern and control the STEM school as one of the 12654
schools of its district. 12655

(2) The STEM school sponsoring district shall maintain a 12656
separate accounting for the STEM school as a separate and distinct 12657
operational unit within the district's finances. The auditor of 12658
state, as part of the district's regular audits, shall certify 12659
whether funds received by the district for the STEM school were 12660
appropriately expended for the STEM school. 12661

(3) With respect to students enrolled in a STEM school whose 12662
resident district is the STEM school sponsoring district: 12663

(a) The department of education shall make no deductions 12664
under section 3326.33 of the Revised Code from the STEM school 12665
sponsoring district's state payments. 12666

(b) The STEM school sponsoring district shall ensure that it 12667
allocates to the STEM school funds equal to or exceeding the 12668
amount that would be calculated pursuant to division (B) of 12669
section 3313.981 of the Revised Code for the students attending 12670
the school whose resident district is the STEM school sponsoring 12671
district. 12672

(c) The STEM school district is responsible for providing children with disabilities with a free appropriate public education under Chapter 3323. of the Revised Code. 12673
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(d) The STEM school sponsoring district shall provide student transportation in accordance with laws and policies generally applicable to the district. 12676
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(3) With respect to students enrolled in the STEM school whose resident district is another school district, the department shall make no payments or deductions under sections 3326.31 to 3326.49 of the Revised Code. Instead, the students shall be considered as open enrollment students and the department shall make payments and deductions in accordance with section 3313.981 of the Revised Code. The STEM school sponsoring district shall allocate the payments to the STEM school. The STEM school district may enter into financial agreements with the students' resident districts, which agreements may provide financial support in addition to the funds received from the open enrollment calculation. The STEM school sponsoring district shall allocate all such additional funds to the STEM school. 12679
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(4) Where the department is required to make, deny, reduce, or adjust payments to a STEM school sponsoring district pursuant to this section, it shall do so in such a manner that the STEM school sponsoring district may allocate that action to the STEM school. 12692
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(5) A STEM school sponsoring district and its board may assign its district employees to the STEM school, in which case section 3326.18 of the Revised Code shall not apply. The district and board may apply any other resources of the district to the STEM school in the same manner that it applies district resources to other district schools. 12697
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(6) Provisions of this chapter requiring a STEM school and 12703

its governing body to comply with specified laws as if it were a 12704
school district and in the same manner as a board of education 12705
shall instead require such compliance by the STEM school 12706
sponsoring district and its board of education, respectively, with 12707
respect to the STEM school. Where a STEM school or its governing 12708
body is required to perform a specific duty or permitted to take a 12709
specific action under this chapter, that duty is required to be 12710
performed or that action is permitted to be taken by the STEM 12711
school sponsoring district or its board of education, 12712
respectively, with respect to the STEM school. 12713

(7) No provision of this chapter limits the authority, as 12714
provided otherwise by law, of a school district and its board of 12715
education to levy taxes and issue bonds secured by tax revenues. 12716

(8) The treasurer of the STEM school sponsoring district or, 12717
if the STEM school sponsoring district is a municipal school 12718
district, the chief financial officer of the district, shall have 12719
all of the respective rights, authority, exemptions, and duties 12720
otherwise conferred upon the treasurer or chief financial officer 12721
by the Revised Code. 12722

Sec. 3333.04. The chancellor of the Ohio board of regents 12723
shall: 12724

(A) Make studies of state policy in the field of higher 12725
education and formulate a master plan for higher education for the 12726
state, considering the needs of the people, the needs of the 12727
state, and the role of individual public and private institutions 12728
within the state in fulfilling these needs; 12729

(B)(1) Report annually to the governor and the general 12730
assembly on the findings from the chancellor's studies and the 12731
master plan for higher education for the state; 12732

(2) Report at least semiannually to the general assembly and 12733

the governor the enrollment numbers at each state-assisted 12734
institution of higher education. 12735

(C) Approve or disapprove the establishment of new branches 12736
or academic centers of state colleges and universities; 12737

(D) Approve or disapprove the establishment of state 12738
technical colleges or any other state institution of higher 12739
education; 12740

(E) Recommend the nature of the programs, undergraduate, 12741
graduate, professional, state-financed research, and public 12742
services which should be offered by the state colleges, 12743
universities, and other state-assisted institutions of higher 12744
education in order to utilize to the best advantage their 12745
facilities and personnel; 12746

(F) Recommend to the state colleges, universities, and other 12747
state-assisted institutions of higher education graduate or 12748
professional programs, including, but not limited to, doctor of 12749
philosophy, doctor of education, and juris doctor programs, that 12750
could be eliminated because they constitute unnecessary 12751
duplication, as shall be determined using the process developed 12752
pursuant to this division, or for other good and sufficient cause. 12753
Prior to recommending a program for elimination, the chancellor 12754
shall request the board of regents to hold at least one public 12755
hearing on the matter and advise the chancellor on whether the 12756
program should be recommended for elimination. The board shall 12757
provide notice of each hearing within a reasonable amount of time 12758
prior to its scheduled date. Following the hearing, the board 12759
shall issue a recommendation to the chancellor. The chancellor 12760
shall consider the board's recommendation but shall not be 12761
required to accept it. 12762

For purposes of determining the amounts of any state 12763
instructional subsidies paid to state colleges, universities, and 12764

other state-assisted institutions of higher education, the 12765
chancellor may exclude students enrolled in any program that the 12766
chancellor has recommended for elimination pursuant to this 12767
division except that the chancellor shall not exclude any such 12768
student who enrolled in the program prior to the date on which the 12769
chancellor initially commences to exclude students under this 12770
division. 12771

The chancellor and state colleges, universities, and other 12772
state-assisted institutions of higher education shall jointly 12773
develop a process for determining which existing graduate or 12774
professional programs constitute unnecessary duplication. 12775

(G) Recommend to the state colleges, universities, and other 12776
state-assisted institutions of higher education programs which 12777
should be added to their present programs; 12778

(H) Conduct studies for the state colleges, universities, and 12779
other state-assisted institutions of higher education to assist 12780
them in making the best and most efficient use of their existing 12781
facilities and personnel; 12782

(I) Make recommendations to the governor and general assembly 12783
concerning the development of state-financed capital plans for 12784
higher education; the establishment of new state colleges, 12785
universities, and other state-assisted institutions of higher 12786
education; and the establishment of new programs at the existing 12787
state colleges, universities, and other institutions of higher 12788
education; 12789

(J) Review the appropriation requests of the public community 12790
colleges and the state colleges and universities and submit to the 12791
office of budget and management and to the chairpersons of the 12792
finance committees of the house of representatives and of the 12793
senate the chancellor's recommendations in regard to the biennial 12794
higher education appropriation for the state, including 12795

appropriations for the individual state colleges and universities 12796
and public community colleges. For the purpose of determining the 12797
amounts of instructional subsidies to be paid to state-assisted 12798
colleges and universities, the chancellor shall define "full-time 12799
equivalent student" by program per academic year. The definition 12800
may take into account the establishment of minimum enrollment 12801
levels in technical education programs below which support 12802
allowances will not be paid. Except as otherwise provided in this 12803
section, the chancellor shall make no change in the definition of 12804
"full-time equivalent student" in effect on November 15, 1981, 12805
which would increase or decrease the number of subsidy-eligible 12806
full-time equivalent students, without first submitting a fiscal 12807
impact statement to the president of the senate, the speaker of 12808
the house of representatives, the legislative service commission, 12809
and the director of budget and management. The chancellor shall 12810
work in close cooperation with the director of budget and 12811
management in this respect and in all other matters concerning the 12812
expenditures of appropriated funds by state colleges, 12813
universities, and other institutions of higher education. 12814

(K) Seek the cooperation and advice of the officers and 12815
trustees of both public and private colleges, universities, and 12816
other institutions of higher education in the state in performing 12817
the chancellor's duties and making the chancellor's plans, 12818
studies, and recommendations; 12819

(L) Appoint advisory committees consisting of persons 12820
associated with public or private secondary schools, members of 12821
the state board of education, or personnel of the state department 12822
of education; 12823

(M) Appoint advisory committees consisting of college and 12824
university personnel, or other persons knowledgeable in the field 12825
of higher education, or both, in order to obtain their advice and 12826
assistance in defining and suggesting solutions for the problems 12827

and needs of higher education in this state;	12828
(N) Approve or disapprove all new degrees and new degree programs at all state colleges, universities, and other state-assisted institutions of higher education;	12829 12830 12831
(O) Adopt such rules as are necessary to carry out the chancellor's duties and responsibilities. The rules shall prescribe procedures for the chancellor to follow when taking actions associated with the chancellor's duties and responsibilities and shall indicate which types of actions are subject to those procedures. The procedures adopted under this division shall be in addition to any other procedures prescribed by law for such actions. However, if any other provision of the Revised Code or rule adopted by the chancellor prescribes different procedures for such an action, the procedures adopted under this division shall not apply to that action to the extent they conflict with the procedures otherwise prescribed by law. The procedures adopted under this division shall include at least the following:	12832 12833 12834 12835 12836 12837 12838 12839 12840 12841 12842 12843 12844 12845
(1) Provision for public notice of the proposed action;	12846
(2) An opportunity for public comment on the proposed action, which may include a public hearing on the action by the board of regents;	12847 12848 12849
(3) Methods for parties that may be affected by the proposed action to submit comments during the public comment period;	12850 12851
(4) Submission of recommendations from the board of regents regarding the proposed action, at the request of the chancellor;	12852 12853
(5) Written publication of the final action taken by the chancellor and the chancellor's rationale for the action;	12854 12855
(6) A timeline for the process described in divisions (O)(1) to (5) of this section.	12856 12857

(P) Establish and submit to the governor and the general	12858
assembly a clear and measurable set of goals and timetables for	12859
their achievement for each program under the chancellor's	12860
supervision that is designed to accomplish any of the following:	12861
(1) Increased access to higher education;	12862
(2) Job training;	12863
(3) Adult literacy;	12864
(4) Research;	12865
(5) Excellence in higher education;	12866
(6) Reduction in the number of graduate programs within the	12867
same subject area.	12868
In July of each odd-numbered year, the chancellor shall	12869
submit to the governor and the general assembly a report on	12870
progress made toward these goals.	12871
(Q) Make recommendations to the governor and the general	12872
assembly regarding the design and funding of the student financial	12873
aid programs specified in sections 3333.12, 3333.122, 3333.21 to	12874
3333.27, and 5910.02 of the Revised Code;	12875
(R) Participate in education-related state or federal	12876
programs on behalf of the state and assume responsibility for the	12877
administration of such programs in accordance with applicable	12878
state or federal law;	12879
(S) Adopt rules for student financial aid programs as	12880
required by sections 3333.12, 3333.122, 3333.21 to 3333.27,	12881
3333.28, and 5910.02 of the Revised Code, and perform any other	12882
administrative functions assigned to the chancellor by those	12883
sections;	12884
(T) Administer contracts under sections 3702.74 and 3702.75	12885
of the Revised Code in accordance with rules adopted by the	12886
director of health under section 3702.79 of the Revised Code;	12887

~~(U)~~ Conduct enrollment audits of state-supported institutions of higher education; 12888
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~~(V)~~(U) Appoint ~~consortiums~~ consortia of college and university personnel to advise or participate in the development and operation of statewide collaborative efforts, including the Ohio supercomputer center, the Ohio academic resources network, OhioLink, and the Ohio learning network. For each consortium, the chancellor shall designate a college or university to serve as that consortium's fiscal agent, financial officer, and employer. Any funds appropriated for the ~~consortiums~~ consortia shall be distributed to the fiscal agents for the operation of the ~~consortiums~~ consortia. A consortium shall follow the rules of the college or university that serves as its fiscal agent. The chancellor may restructure existing consortia, appointed under this division, in accordance with procedures adopted under divisions (D)(1) to (6) of this section. 12890
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~~(W)~~(V) Adopt rules establishing advisory duties and responsibilities of the board of regents not otherwise prescribed by law; 12904
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~~(X)~~(W) Respond to requests for information about higher education from members of the general assembly and direct staff to conduct research or analysis as needed for this purpose. 12907
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Sec. 3333.044. (A) The chancellor of the Ohio board of regents may contract with any consultants that are necessary for the discharge of the chancellor's duties under this chapter. 12910
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(B) The chancellor may purchase, upon the terms that the chancellor determines to be advisable, one or more policies of insurance from insurers authorized to do business in this state that insure consultants who have contracted with the chancellor under division (A) of this section or members of an advisory committee appointed under section 3333.04 of the Revised Code, 12913
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with respect to the activities of the consultants or advisory
committee members in the course of the performance of their
responsibilities as consultants or advisory committee members.

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

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

Sec. 3333.045. As used in this section, "state university or
college" means any state university listed in section 3345.011 of
the Revised Code, the northeastern Ohio universities college of
medicine, any community college under Chapter 3354. of the Revised
Code, any university branch district under Chapter 3355. of the
Revised Code, any technical college under Chapter 3357. of the
Revised Code, and any state community college under Chapter 3358.
of the Revised Code.

The chancellor of the Ohio board of regents shall work with
the attorney general, the auditor of state, and the Ohio ethics

commission to develop a model for training members of the boards 12950
of trustees of all state universities and colleges and members of 12951
the board of regents regarding the authority and responsibilities 12952
of a board of trustees or the board of regents. This model shall 12953
include a review of fiduciary responsibilities, ethics, and fiscal 12954
management. Use of this model by members of boards of trustees and 12955
the board of regents shall be voluntary. 12956

~~This section does not apply to the three members of the board 12957
of trustees of the northeastern Ohio universities college of 12958
medicine who are presidents of state universities. 12959~~

Sec. 3333.122. (A) As used in this section: 12960

(1) "Eligible student" means a student who is: 12961

(a) An Ohio resident who first enrolls in an undergraduate 12962
program in the 2006-2007 academic year or thereafter; 12963

(b) If the student first enrolled in an undergraduate program 12964
in the 2006-2007 or 2007-2008 academic year, the student is 12965
enrolled in ~~either~~ one of the following: 12966

(i) An accredited institution of higher education in this 12967
state that meets the requirements of Title VI of the Civil Rights 12968
Act of 1964 and is state-assisted, is nonprofit and has a 12969
certificate of authorization pursuant to Chapter 1713. of the 12970
Revised Code, has a certificate of registration from the state 12971
board of career colleges and schools and program authorization to 12972
award an associate or bachelor's degree, or is a private 12973
institution exempt from regulation under Chapter 3332. of the 12974
Revised Code as prescribed in section 3333.046 of the Revised 12975
Code. Students who attend an institution that holds a certificate 12976
of registration shall be enrolled in a program leading to an 12977
associate or bachelor's degree for which associate or bachelor's 12978
degree program the institution has program authorization issued 12979

under section 3332.05 of the Revised Code. 12980

(ii) A technical education program of at least two years 12981
duration sponsored by a private institution of higher education in 12982
this state that meets the requirements of Title VI of the Civil 12983
Rights Act of 1964; 12984

(iii) A nursing diploma program approved by the board of 12985
nursing under division (A)(5) of section 4723.06 of the Revised 12986
Code and that meets the requirements of Title VI of the Civil 12987
Rights Act of 1964. 12988

(c) If the student first enrolled in an undergraduate program 12989
after the 2007-2008 academic year, the student is enrolled in 12990
~~either~~ one of the following: 12991

(i) An accredited institution of higher education in this 12992
state that meets the requirements of Title VI of the Civil Rights 12993
Act of 1964 and is state-assisted, is nonprofit and has a 12994
certificate of authorization pursuant to Chapter 1713. of the 12995
Revised Code, or is a private institution exempt from regulation 12996
under Chapter 3332. of the Revised Code as prescribed in section 12997
3333.046 of the Revised Code; 12998

(ii) An education program of at least two years duration 12999
sponsored by a private institution of higher education in this 13000
state that meets the requirements of Title VI of the Civil Rights 13001
Act of 1964 and has a certificate of authorization pursuant to 13002
Chapter 1713. of the Revised Code; 13003

(iii) A nursing diploma program approved by the board of 13004
nursing under division (A)(5) of section 4723.06 of the Revised 13005
Code and that meets the requirements of Title VI of the Civil 13006
Rights Act of 1964. 13007

(2) A student who participated in either the early college 13008
high school program administered by the department of education or 13009
in the post-secondary enrollment options program pursuant to 13010

Chapter 3365. of the Revised Code before the 2006-2007 academic 13011
year shall not be excluded from eligibility for a needs-based 13012
financial aid grant under this section. 13013

(3) "Resident," "expected family contribution" or "EFC," 13014
"full-time student," "three-quarters-time student," "half-time 13015
student," "one-quarter-time student," and "accredited" shall be 13016
defined by rules adopted by the chancellor of the Ohio board of 13017
regents. 13018

(B) The chancellor shall establish and administer a 13019
needs-based financial aid program based on the United States 13020
department of education's method of determining financial need and 13021
may adopt rules to carry out this section. The program shall be 13022
known as the Ohio college opportunity grant program. The general 13023
assembly shall support the needs-based financial aid program by 13024
such sums and in such manner as it may provide, but the chancellor 13025
may also receive funds from other sources to support the program. 13026
If the amounts available for support of the program are inadequate 13027
to provide grants to all eligible students, preference in the 13028
payment of grants shall be given in terms of expected family 13029
contribution, beginning with the lowest expected family 13030
contribution category and proceeding upward by category to the 13031
highest expected family contribution category. 13032

A needs-based financial aid grant shall be paid to an 13033
eligible student through the institution in which the student is 13034
enrolled, except that no needs-based financial aid grant shall be 13035
paid to any person serving a term of imprisonment. Applications 13036
for such grants shall be made as prescribed by the chancellor, and 13037
such applications may be made in conjunction with and upon the 13038
basis of information provided in conjunction with student 13039
assistance programs funded by agencies of the United States 13040
government or from financial resources of the institution of 13041
higher education. The institution shall certify that the student 13042

applicant meets the requirements set forth in divisions (A)(1)(a) 13043
and (b) of this section. Needs-based financial aid grants shall be 13044
provided to an eligible student only as long as the student is 13045
making appropriate progress toward a nursing diploma or an 13046
associate or bachelor's degree. No student shall be eligible to 13047
receive a grant for more than ten semesters, fifteen quarters, or 13048
the equivalent of five academic years. A grant made to an eligible 13049
student on the basis of less than full-time enrollment shall be 13050
based on the number of credit hours for which the student is 13051
enrolled and shall be computed in accordance with a formula 13052
adopted by the chancellor. No student shall receive more than one 13053
grant on the basis of less than full-time enrollment. 13054

A needs-based financial aid grant shall not exceed the total 13055
instructional and general charges of the institution. 13056

(C) The tables in this division prescribe the maximum grant 13057
amounts covering two semesters, three quarters, or a comparable 13058
portion of one academic year. Grant amounts for additional terms 13059
in the same academic year shall be determined under division (D) 13060
of this section. 13061

As used in the tables in division (C) of this section: 13062

(1) "Private institution" means an institution that is 13063
nonprofit and has a certificate of authorization pursuant to 13064
Chapter 1713. of the Revised Code. 13065

(2) "Career college" means either an institution that holds a 13066
certificate of registration from the state board of career 13067
colleges and schools or a private institution exempt from 13068
regulation under Chapter 3332. of the Revised Code as prescribed 13069
in section 3333.046 of the Revised Code. 13070

Full-time students shall be eligible to receive awards 13071
according to the following table: 13072

Full-Time Enrollment 13073

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	
\$2,101	\$2,190	\$300	\$600	\$480	13074
2,001	2,100	402	798	642	13075
1,901	2,000	498	1,002	798	13076
1,801	1,900	600	1,200	960	13077
1,701	1,800	702	1,398	1,122	13078
1,601	1,700	798	1,602	1,278	13079
1,501	1,600	900	1,800	1,440	13080
1,401	1,500	1,002	1,998	1,602	13081
1,301	1,400	1,098	2,202	1,758	13082
1,201	1,300	1,200	2,400	1,920	13083
1,101	1,200	1,302	2,598	2,082	13084
1,001	1,100	1,398	2,802	2,238	13085
901	1,000	1,500	3,000	2,400	13086
801	900	1,602	3,198	2,562	13087
701	800	1,698	3,402	2,718	13088
601	700	1,800	3,600	2,280	13089
501	600	1,902	3,798	3,042	13090
401	500	1,998	4,002	3,198	13091
301	400	2,100	4,200	3,360	13092
201	300	2,202	4,398	3,522	13093
101	200	2,298	4,602	3,678	13094
1	100	2,400	4,800	3,840	13095
0	0	2,496	4,992	3,996	13096

Three-quarters-time students shall be eligible to receive awards according to the following table: 13098
13099

Three-Quarters-Time Enrollment					13100
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:	13101
\$2,101	\$2,190	\$228	\$450	\$360	13102
2,001	2,100	300	600	480	13103
1,901	2,000	372	750	600	13104
1,801	1,900	450	900	720	13105
1,701	1,800	528	1,050	840	13106
1,601	1,700	600	1,200	960	13107
1,501	1,600	678	1,350	1,080	13108
1,401	1,500	750	1,500	1,200	13109
1,301	1,400	822	1,650	1,320	13110
1,201	1,300	900	1,800	1,440	13111
1,101	1,200	978	1,950	1,560	13112
1,001	1,100	1,050	2,100	1,680	13113
901	1,000	1,128	2,250	1,800	13114
801	900	1,200	2,400	1,920	13115
701	800	1,272	2,550	2,040	13116
601	700	1,350	2,700	2,160	13117
501	600	1,428	2,850	2,280	13118
401	500	1,500	3,000	2,400	13119
301	400	1,578	3,150	2,520	13120
201	300	1,650	3,300	2,640	13121
101	200	1,722	3,450	2,760	13122
1	100	1,800	3,600	2,880	13123
0	0	1,872	3,744	3,000	13124
Half-time students shall be eligible to receive awards					13125

according to the following table:					13126
Half-Time Enrollment					13127
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:	13128
\$2,101	\$2,190	\$150	\$300	\$240	13129
2,001	2,100	204	402	324	13130
1,901	2,000	252	504	402	13131
1,801	1,900	300	600	480	13132
1,701	1,800	354	702	564	13133
1,601	1,700	402	804	642	13134
1,501	1,600	450	900	720	13135
1,401	1,500	504	1,002	804	13136
1,301	1,400	552	1,104	882	13137
1,201	1,300	600	1,200	960	13138
1,101	1,200	654	1,302	1,044	13139
1,001	1,100	702	1,404	1,122	13140
901	1,000	750	1,500	1,200	13141
801	900	804	1,602	1,284	13142
701	800	852	1,704	1,362	13143
601	700	900	1,800	1,440	13144
501	600	954	1,902	1,524	13145
401	500	1,002	2,004	1,602	13146
301	400	1,050	2,100	1,680	13147
201	300	1,104	2,202	1,764	13148
101	200	1,152	2,304	1,842	13149
1	100	1,200	2,400	1,920	13150
0	0	1,248	2,496	1,998	13151

One-quarter-time students shall be eligible to receive awards 13152
 according to the following table: 13153

One-Quarter-Time Enrollment 13154

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	
\$2,101	\$2,190	\$78	\$150	\$120	13155
2,001	2,100	102	198	162	13157
1,901	2,000	126	252	198	13158
1,801	1,900	150	300	240	13159
1,701	1,800	174	348	282	13160
1,601	1,700	198	402	318	13161
1,501	1,600	228	450	360	13162
1,401	1,500	252	498	402	13163
1,301	1,400	276	552	438	13164
1,201	1,300	300	600	480	13165
1,101	1,200	324	648	522	13166
1,001	1,100	348	702	558	13167
901	1,000	378	750	600	13168
801	900	402	798	642	13169
701	800	426	852	678	13170
601	700	450	900	720	13171
501	600	474	948	762	13172
401	500	498	1,002	798	13173
301	400	528	1,050	840	13174
201	300	552	1,098	882	13175
101	200	576	1,152	918	13176
1	100	600	1,200	960	13177

0 0 624 1,248 1,002 13178

(D) For a full-time student enrolled in an eligible 13179
institution for a semester or quarter in addition to the portion 13180
of the academic year covered by a grant determined under division 13181
(C) of this section, the maximum grant amount shall be a 13182
percentage of the maximum prescribed in the applicable table of 13183
that division. The maximum grant for a fourth quarter shall be 13184
one-third of the maximum amount prescribed under that division. 13185
The maximum grant for a third semester shall be one-half of the 13186
maximum amount prescribed under that division. 13187

(E) No grant shall be made to any student in a course of 13188
study in theology, religion, or other field of preparation for a 13189
religious profession unless such course of study leads to an 13190
accredited bachelor of arts, bachelor of science, associate of 13191
arts, or associate of science degree. 13192

(F)(1) Except as provided in division (F)(2) of this section, 13193
no grant shall be made to any student for enrollment during a 13194
fiscal year in an institution with a cohort default rate 13195
determined by the United States secretary of education pursuant to 13196
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 13197
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 13198
preceding the fiscal year, equal to or greater than thirty per 13199
cent for each of the preceding two fiscal years. 13200

(2) Division (F)(1) of this section does not apply to the 13201
following: 13202

(a) Any student enrolled in an institution that under the 13203
federal law appeals its loss of eligibility for federal financial 13204
aid and the United States secretary of education determines its 13205
cohort default rate after recalculation is lower than the rate 13206
specified in division (F)(1) of this section or the secretary 13207
determines due to mitigating circumstances the institution may 13208
continue to participate in federal financial aid programs. The 13209

chancellor shall adopt rules requiring institutions to provide 13210
information regarding an appeal to the chancellor. 13211

(b) Any student who has previously received a grant under 13212
this section who meets all other requirements of this section. 13213

(3) The chancellor shall adopt rules for the notification of 13214
all institutions whose students will be ineligible to participate 13215
in the grant program pursuant to division (F)(1) of this section. 13216

(4) A student's attendance at an institution whose students 13217
lose eligibility for grants under division (F)(1) of this section 13218
shall not affect that student's eligibility to receive a grant 13219
when enrolled in another institution. 13220

(G) Institutions of higher education that enroll students 13221
receiving needs-based financial aid grants under this section 13222
shall report to the chancellor all students who have received 13223
needs-based financial aid grants but are no longer eligible for 13224
all or part of such grants and shall refund any moneys due the 13225
state within thirty days after the beginning of the quarter or 13226
term immediately following the quarter or term in which the 13227
student was no longer eligible to receive all or part of the 13228
student's grant. There shall be an interest charge of one per cent 13229
per month on all moneys due and payable after such thirty-day 13230
period. The chancellor shall immediately notify the office of 13231
budget and management and the legislative service commission of 13232
all refunds so received. 13233

Sec. 3333.58. There is hereby created at Shawnee state 13234
university the Ohio Appalachian center for higher education to 13235
increase the educational attainment of the residents of Ohio's 13236
Appalachian region, as defined in section 107.21 of the Revised 13237
Code. The board of directors of the center shall consist of the 13238
following members: 13239

<u>(A) The presidents of all of the following:</u>	13240
<u>(1) Shawnee state university;</u>	13241
<u>(2) Belmont technical college;</u>	13242
<u>(3) Hocking college;</u>	13243
<u>(4) Jefferson community college;</u>	13244
<u>(5) Zane state college;</u>	13245
<u>(6) Rio Grande community college;</u>	13246
<u>(7) Southern state community college;</u>	13247
<u>(8) Central Ohio technical college, Coshocton campus;</u>	13248
<u>(9) Washington state community college.</u>	13249
<u>(B) The president of Ohio university, or the president's</u> <u>designee;</u>	13250 13251
<u>(C) The dean of one of the Salem, Tuscarawas, or East</u> <u>Liverpool regional campuses of Kent state university, as</u> <u>designated by the president of Kent state university;</u>	13252 13253 13254
<u>(D) A representative of the chancellor of the Ohio board of</u> <u>regents as designated by the chancellor.</u>	13255 13256
Sec. 3353.20 <u>3333.81</u>. As used in sections 3353.20 <u>3333.81</u> to 3353.30 <u>3333.88</u> of the Revised Code:	13257 13258
(A) "Clearinghouse" means the clearinghouse established under section 3353.21 <u>3333.82</u> of the Revised Code.	13259 13260
(B) " Data verification code " means the code assigned to a student under division (D)(2) of section 3301.0714 of the Revised Code.	13261 13262 13263
(C) " One half unit " of instruction has the same meaning as in section 3313.603 of the Revised Code.	13264 13265
(D) " <u>Community school</u> " means a community school established	13266

under Chapter 3314. of the Revised Code. 13267

(C) "Common statewide platform" means a software program that 13268
facilitates the delivery of courses via computers from multiple 13269
course providers to multiple end users, tracks the progress of the 13270
end user, and includes an integrated searchable database of 13271
standards-based course content. 13272

(D) "Course provider" means a school district, community 13273
school, STEM school, state institution of higher education, 13274
private college or university, or nonprofit or for-profit private 13275
entity that creates or is an agent of the creator of original 13276
course content for a course offered through the clearinghouse. 13277

(E) "Instructor" means an individual who holds a license 13278
issued by the state board of education, as defined in section 13279
3319.31 of the Revised Code, or an individual employed as an 13280
instructor or professor by a state institution of higher education 13281
or a private college or university. 13282

(F) "State institution of higher education" has the same 13283
meaning as in section 3345.011 of the Revised Code. 13284

(G) "STEM school" means a science, technology, engineering, 13285
and mathematics school established under Chapter 3326. of the 13286
Revised Code. 13287

(H) A "student's community school" means the community school 13288
established under Chapter 3314. of the Revised Code in which the 13289
student is enrolled instead of being enrolled in a school operated 13290
by a school district. 13291

~~(E)~~(I) A "student's school district" means the school 13292
district operating the school in which the student is lawfully 13293
enrolled. 13294

(J) "A student's STEM school" means the STEM school in which 13295
the student is enrolled instead of being enrolled in a school 13296

operated by a school district. 13297

Sec. ~~3353.21~~ 3333.82. (A) The ~~eTech Ohio commission~~ 13298
chancellor of the Ohio board of regents shall establish a 13299
clearinghouse of interactive distance learning courses and other 13300
distance learning courses delivered via a computer-based method 13301
offered by school districts, community schools, STEM schools, 13302
state institutions of higher education, private colleges and 13303
universities, and other nonprofit and for-profit course providers 13304
for sharing with other school districts ~~and~~, community schools, 13305
STEM schools, state institutions of higher education, private 13306
colleges and universities, and individuals for the fee set 13307
pursuant to section ~~3353.24~~ 3333.84 of the Revised Code. The 13308
~~commission~~ chancellor shall not be responsible for the content of 13309
courses offered through the clearinghouse; however, all such 13310
courses shall be delivered only in accordance with technical 13311
specifications approved by the ~~commission~~ chancellor and on a 13312
common statewide platform administered by the chancellor. 13313

(B) To offer a course through the clearinghouse, a ~~school~~ 13314
~~district~~ course provider shall apply to the ~~commission~~ chancellor 13315
in a form and manner prescribed by the ~~commission~~ chancellor. The 13316
application for each course shall describe the course of study in 13317
as much detail as required by the ~~commission~~ chancellor, whether 13318
an instructor is provided, the qualification and credentials of 13319
the ~~teacher~~ instructor, the number of hours of instruction, ~~the~~ 13320
~~technology required to deliver and receive the course, the~~ 13321
~~technical capacity of the school district to deliver the course,~~ 13322
~~the times that the school district plans to deliver the course,~~ 13323
and any other information required by the ~~commission~~ chancellor. 13324
The ~~commission~~ chancellor may require ~~school districts~~ course 13325
providers to include in their applications information recommended 13326
by the state board of education under former section 3353.30 of 13327
the Revised Code. 13328

(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.

(F) The chancellor may contract with an entity to perform any or all of the chancellor's duties under sections 3333.81 to 3333.88 of the Revised Code.

~~Sec. 3353.22~~ 3333.83. (A) A student who is enrolled in a school operated by a school district or in a community school or STEM school may enroll in a course ~~included in~~ through the clearinghouse only if both of the following conditions are satisfied:

(1) The student's enrollment in the course is approved by the student's school district ~~or the student's,~~ community school, or STEM school.

(2) The student's school district ~~or the student's,~~ community school, or STEM school agrees to accept for credit the grade assigned by the ~~district that is delivering the~~ course provider, if that provider is another school district, community school, or STEM school.

(B) For each student enrolled in a school operated by a school district or in a community school or STEM school who is enrolling in a course provided through the clearinghouse by another school district, community school, or STEM school, the student's school district ~~or the student's,~~ community school, or STEM school shall transmit ~~the student's data verification code and~~ the student's name to the ~~school district delivering the~~ course provider.

The ~~district delivering the~~ course provider may request from the student's school district ~~or the student's,~~ community school, or STEM school other information from the student's school record. The ~~student's school~~ district or ~~the student's community~~ school shall provide the requested information only in accordance with section 3319.321 of the Revised Code.

(C) The student's school district ~~or the student's,~~ community school, or STEM school shall determine the manner in which and facilities at which the student shall participate in the course consistent with specifications for technology and connectivity

adopted by the ~~commission~~ chancellor of the Ohio board of regents. 13391
13392

(D) A student may withdraw from a course prior to the end of 13393
the course only by a date and in a manner prescribed by the 13394
student's school district ~~or~~, community school, or STEM school. 13395

(E) A student who is enrolled in a school operated by a 13396
school district or in a community school or STEM school and who 13397
takes a course ~~included in~~ through the clearinghouse shall be 13398
counted in the formula ADM of a school district under section 13399
3317.03 of the Revised Code as if the student were taking the 13400
course from the student's school district ~~or the student's,~~ 13401
community school, or STEM school. 13402

Sec. 3333.84. (A) The fee charged for any course offered 13403
through the clearinghouse shall be set by the course provider. 13404

(B) The chancellor of the Ohio board of regents shall 13405
prescribe the manner in which the fee for a course shall be 13406
collected or deducted from the school district, school, college or 13407
university, or individual subscribing to the course and in which 13408
manner the fee shall be paid to the course provider. 13409

(C) The chancellor may retain a percentage of the fee charged 13410
for a course to offset the cost of maintaining and operating the 13411
clearinghouse, including the payment of compensation for an entity 13412
or a private entity that is under contract with the chancellor 13413
under division (F) of section 3333.82 of the Revised Code. The 13414
percentage retained shall be determined by the chancellor. 13415

13416

Sec. ~~3353.26~~ 3333.85. The grade for a student who enrolls in 13417
enrolled in a school operated by a school district or in a 13418
community school or STEM school for a course included in provided 13419
through the clearinghouse by another school district, community 13420

school, or STEM school shall be assigned by ~~the school district~~ 13421
~~that delivers~~ the course provider and shall be transmitted by ~~that~~ 13422
~~district~~ to the student's school district ~~or the student's,~~ 13423
community school, or STEM school. 13424

Sec. ~~3353.27~~ 3333.86. The ~~eTech Ohio commission~~ chancellor of 13425
the Ohio board of regents may determine the manner in which a 13426
course included in the clearinghouse may be offered as a dual 13427
enrollment program as defined in section 3313.6013 of the Revised 13428
Code, may be offered to students who are enrolled in nonpublic 13429
schools or are instructed at home pursuant to section 3321.04 of 13430
the Revised Code, or may be offered at times outside the normal 13431
school day or school week, including any necessary additional fees 13432
and methods of payment for a course so offered. 13433

Sec. ~~3353.28~~ 3333.87. The ~~eTech Ohio commission~~ chancellor of 13434
the Ohio board of regents shall adopt rules in accordance with 13435
Chapter 119. of the Revised Code prescribing procedures for the 13436
implementation of sections ~~3353.20 to 3353.27~~ 3333.81 to 3333.86 13437
of the Revised Code. 13438

Sec. ~~3353.29~~ 3333.88. Nothing in sections ~~3353.20 to 3353.28~~ 13439
~~3333.81 to 3333.87~~ of the Revised Code, or in rules implementing 13440
those sections, shall prohibit a school district, community 13441
school, STEM school, or college or university from offering an 13442
interactive distance learning course or other distance learning 13443
course using a computer-based method through any means other than 13444
the clearinghouse established and maintained under those sections. 13445
13446

Sec. 3335.05. Before entering upon the duties of ~~his~~ office 13447
the treasurer of the Ohio state university shall give evidence of 13448
bond to the state or insurance in such sum as the board of 13449

trustees determines, ~~but not a less sum than the probable amount~~ 13450
~~that will be under his control in any one year, conditioned for~~ 13451
the faithful discharge of ~~his~~ official duties and the payment of 13452
all moneys coming into ~~his~~ the treasurer's hands, ~~the bond to be~~ 13453
~~approved by the attorney general.~~ Such evidence of bond or 13454
insurance shall be deposited with the secretary of state and kept 13455
in ~~his~~ the secretary of state's office. 13456

Sec. 3341.03. The board of trustees of Bowling Green state 13457
university and Kent state university, respectively, shall annually 13458
elect from their members, a president and a vice-president; and 13459
they may also appoint a secretary of the board, a treasurer, and 13460
such other officers of the university as the interests of the 13461
respective universities require, who may be members of the board. 13462
The treasurers, before entering upon the discharge of their 13463
duties, shall give bonds to the state or be insured for the 13464
faithful performance of their duties and the proper accounting for 13465
all moneys coming into their care. The amount of said bonds or 13466
insurance shall be determined by the boards, but shall not be for 13467
a less sum than the estimated amount which may come into their 13468
control at any time, less any reasonable deductible. ~~Said bonds~~ 13469
~~shall be approved by the attorney general.~~ 13470

Sec. 3343.08. The treasurer of the central state university, 13471
before entering upon the discharge of the treasurer's duties, 13472
shall give a bond to the state or be insured for the faithful 13473
performance of the treasurer's duties and the proper accounting 13474
for all moneys coming into the treasurer's care. The amount of the 13475
bond or insurance shall be determined by the board of trustees of 13476
central state university, but shall not be for a sum less than the 13477
amount that the board estimates may come into the treasurer's 13478
control at any time, less any reasonable deductible. ~~The bond~~ 13479
~~shall be approved by the attorney general.~~ 13480

Sec. 3344.02. The board of trustees of Cleveland state 13481
university shall annually elect from their members a ~~chairman~~ 13482
chairperson and a ~~vice-chairman~~ vice-chairperson; and they may 13483
also appoint a secretary of the board, a treasurer, and such other 13484
officers of the university as the interest of the university 13485
requires, who may be members of the board. The treasurer, before 13486
entering upon the discharge of ~~his~~ official duties, shall give 13487
bond to the state or be insured for the faithful performance of 13488
~~his~~ the treasurer's duties and the proper accounting for all 13489
moneys coming into ~~his~~ the treasurer's care. The amount of said 13490
bond or insurance shall be determined by the board, but shall not 13491
be for a sum less than the estimated amount which may come into 13492
~~his~~ the treasurer's control at any time, less any reasonable 13493
deductible. ~~Said bond shall be approved by the attorney general.~~ 13494

Sec. 3345.34. (A) No student trustee of a state university or 13495
the northeastern Ohio universities college of medicine shall use 13496
~~his~~ the trusteeship to influence any grade or other evaluation of 13497
~~his~~ the student trustee's performance made by a member of the 13498
faculty or other employee of the state university or the college. 13499

(B) No member of the faculty or other employee of a state 13500
university or the northeastern Ohio universities college of 13501
medicine shall confer any favor, advantage, preference, or other 13502
benefit on a student trustee because of the student's trusteeship. 13503

Sec. 3350.10. (A) There is hereby created the northeastern 13504
Ohio universities college of medicine. The principal goal of the 13505
college shall be to collaborate with the university of Akron, 13506
Cleveland state university, Kent state university, and Youngstown 13507
state university to graduate physicians oriented to the practice 13508
of medicine at the community level, especially family physicians. 13509
To accomplish this goal, the college may incorporate in the 13510

clinical experience provided its students the several community 13511
hospitals in the cities and areas served by the college; utilize 13512
practicing physicians as teachers; and to the fullest extent 13513
possible utilize the basic science capabilities of the university 13514
of Akron, Cleveland state university, Kent state university, and 13515
Youngstown state university. The 13516

(1) Until the ninetieth day after the effective date of this 13517
amendment, the government of the college is vested in a 13518
nine-member board of trustees consisting of the presidents of the 13519
university of Akron, Kent state university, and Youngstown state 13520
university; one member each of the boards of trustees of the 13521
university of Akron, Kent state university, and Youngstown state 13522
university, to be appointed by their respective boards of trustees 13523
for a term of six years ending on the first day of May or until 13524
~~his~~ the trustee's term on ~~his~~ the respective university board of 13525
trustees expires, whichever occurs first; and one person each to 13526
be appointed by the boards of trustees of the university of Akron, 13527
Kent state university, and Youngstown state university, for a term 13528
of nine years ending on the first day of May; except that the term 13529
of those first appointed by the several boards of trustees shall 13530
expire on the first day of May next following their appointment. 13531
Vacancies shall be filled for the unexpired term in the manner 13532
provided for original appointment. The trustees shall receive no 13533
compensation for their services but shall be paid their reasonable 13534
necessary expenses while engaged in the discharge of their 13535
official duties. A majority of the board constitutes a quorum. 13536

(2) Beginning ninety days after the effective date of this 13537
amendment, the government of the college is vested in a board of 13538
eleven trustees, who shall be appointed by the governor, with the 13539
advice and consent of the senate. Two of the trustees shall be 13540
current students of the college, and their selection and terms 13541
shall be in accordance with division (B) of this section. Except 13542

as provided in division (A)(3) of this section and except for the 13543
student members, terms of office shall be for nine years. Each 13544
trustee shall hold office from the date of appointment until the 13545
end of the term for which the trustee was appointed. Any trustee 13546
appointed to fill a vacancy occurring prior to the expiration of 13547
the term for which the trustee's predecessor was appointed shall 13548
hold office for the remainder of such term. Any trustee shall 13549
continue in office subsequent to the expiration date of the 13550
trustee's term until the trustee's successor takes office, or 13551
until a period of sixty days has elapsed, whichever occurs first. 13552
No person who has served a full nine-year term or more than six 13553
years of such a term shall be eligible for reappointment until a 13554
period of four years has elapsed since the last day of the term 13555
for which the person previously served. The trustees shall receive 13556
no compensation for their services but shall be paid their 13557
reasonable necessary expenses while engaged in the discharge of 13558
their official duties. A majority of the board constitutes a 13559
quorum. 13560

(3) Not later than ninety days after the effective date of 13561
this amendment, the governor, with the advice and consent of the 13562
senate, shall appoint the two student trustees and successors for 13563
the trustees serving under division (A)(1) of this section. Except 13564
for the student trustees, who shall serve terms pursuant to 13565
division (B) of this section, the initial terms of office for 13566
trustees appointed under division (A)(2) of this section shall be 13567
as follows: one term ending one year after the effective date of 13568
this amendment; one term ending two years after the effective date 13569
of this amendment; one term ending three years after the effective 13570
date of this amendment; one term ending four years after the 13571
effective date of this amendment; one term ending five years after 13572
the effective date of this amendment; one term ending six years 13573
after the effective date of this amendment; one term ending seven 13574
years after the effective date of this amendment; one term ending 13575

eight years after the effective date of this amendment; one term 13576
ending nine years after the effective date of this amendment. 13577
Thereafter, terms of office shall be for nine years, as provided 13578
in division (A)(2) of this section. 13579

(B) The student members of the board of trustees of the 13580
northeastern Ohio universities college of medicine have no voting 13581
power on the board. Student members shall not be considered as 13582
members of the board in determining whether a quorum is present. 13583
Student members shall not be entitled to attend executive sessions 13584
of the board. The student members of the board shall be appointed 13585
by the governor, with the advice and consent of the senate, from a 13586
group of five candidates selected pursuant to a procedure adopted 13587
by the college's student governments and approved by the college's 13588
board of trustees. The initial term of office of one of the 13589
student members shall commence ninety days after the effective 13590
date of this amendment and shall expire on June 30, 2009, and the 13591
initial term of office of the other student member shall commence 13592
ninety days after the effective date of this amendment and shall 13593
expire on June 30, 2010. Thereafter, terms of office of student 13594
members shall be for two years, each term ending on the same day 13595
of the same month of the year as the term it succeeds. In the 13596
event that a student member cannot fulfill a two-year term, a 13597
replacement shall be selected to fill the unexpired term in the 13598
same manner used to make the original selection. 13599

Sec. 3352.02. The board of trustees of Wright state 13600
university shall annually elect from their members a ~~chairman~~ 13601
chairperson and ~~vice-chairman~~ vice-chairperson; and they may also 13602
appoint a secretary of the board, a treasurer, and such other 13603
officers of the university as the interest of the university 13604
requires, who may be members of the board. The treasurer, before 13605
entering upon the discharge of ~~his~~ official duties, shall give 13606
bond to the state or be insured for the faithful performance of 13607

~~his the treasurer's~~ duties and the proper accounting for all 13608
moneys coming into ~~his the treasurer's~~ care. The amount of said 13609
bond or insurance shall be determined by the board, but shall not 13610
be for a sum less than the estimated amount which may come into 13611
~~his the treasurer's~~ control at any time, less any reasonable 13612
deductible. ~~Said bond shall be approved by the attorney general.~~ 13613

Sec. 3353.02. (A) There is hereby created the eTech Ohio 13614
commission as an independent agency to advance education and 13615
accelerate the learning of the citizens of this state through 13616
technology. The commission shall provide leadership and support in 13617
extending the knowledge of the citizens of this state by promoting 13618
access to and use of all forms of educational technology, 13619
including educational television and radio, radio reading 13620
services, broadband networks, videotapes, compact discs, digital 13621
video on demand (DVD), and the internet. The commission also shall 13622
administer programs to provide financial and other assistance to 13623
school districts and other educational institutions for the 13624
acquisition and utilization of educational technology. 13625

The commission is a body corporate and politic, an agency of 13626
the state performing essential governmental functions of the 13627
state. 13628

(B) The commission shall consist of thirteen members, nine of 13629
whom shall be voting members. Six of the voting members shall be 13630
representatives of the public. Of the representatives of the 13631
public, four shall be appointed by the governor with the advice 13632
and consent of the senate, one shall be appointed by the speaker 13633
of the house of representatives, and one shall be appointed by the 13634
president of the senate. The superintendent of public instruction 13635
or a designee of the superintendent, the chancellor of the Ohio 13636
board of regents or a designee of the chancellor, and the ~~director~~ 13637
~~of the office of information technology~~ state chief information 13638

officer or a designee of the ~~director~~ officer shall be ex officio 13639
voting members. Of the nonvoting members, two shall be members of 13640
the house of representatives appointed by the speaker of the house 13641
of representatives and two shall be members of the senate 13642
appointed by the president of the senate. The members appointed 13643
from each chamber shall not be members of the same political 13644
party. 13645

(C) Initial terms of office for members appointed by the 13646
governor shall be one year for one member, two years for one 13647
member, three years for one member, and four years for one member. 13648
At the first meeting of the commission, members appointed by the 13649
governor shall draw lots to determine the length of the term each 13650
member will serve. Thereafter, terms of office for members 13651
appointed by the governor shall be for four years. Terms of office 13652
for voting members appointed by the speaker of the house of 13653
representatives and the president of the senate shall be for four 13654
years. Any member who is a representative of the public may be 13655
reappointed by the member's respective appointing authority, but 13656
no such member may serve more than two consecutive four-year 13657
terms. Such a member may be removed by the member's respective 13658
appointing authority for cause. 13659

Any legislative member appointed by the speaker of the house 13660
of representatives or the president of the senate who ceases to be 13661
a member of the legislative chamber from which the member was 13662
appointed shall cease to be a member of the commission. The 13663
speaker of the house of representatives and the president of the 13664
senate may remove their respective appointments to the commission 13665
at any time. 13666

(D) Vacancies among appointed members shall be filled in the 13667
manner provided for original appointments. Any member appointed to 13668
fill a vacancy occurring prior to the expiration of the term for 13669
which the member's predecessor was appointed shall hold office for 13670

the remainder of that term. Any appointed member shall continue in office subsequent to the expiration of that member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

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

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

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

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

section 3354.10 of the Revised Code, the board of trustees of the district may let such contract to the lowest responsive and responsible bidder, in accordance with section 9.312 of the 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 13734
board's discretion, that includes each separate and distinct 13735
branch or class of work entering into the improvement. The board 13736
of trustees need not solicit separate proposals for a branch or 13737
class of work for an improvement if the estimate cost for that 13738
branch or class of work is less than five thousand dollars. 13739

(D) When more than one branch or class of work is required, 13740
no contract for the entire job, or for a greater portion thereof 13741
than is embraced in one such branch or class of work shall be 13742
awarded, unless the separate bids do not cover all the work and 13743
materials required or the bids for the whole or for two or more 13744
kinds of work or materials are lower than the separate bids in the 13745
aggregate. The board of trustees need not award separate contracts 13746
for a branch or class of work entering into an improvement if the 13747
estimated cost for that branch or class of work is less than five 13748
thousand dollars. 13749

Sec. 3355.12. (A) When the managing authority of the 13750
university branch district has determined to let by contract the 13751
work of improvements, contracts in amounts exceeding a dollar 13752
amount set by the managing authority, which dollar amount shall 13753
not exceed fifty thousand dollars, shall be advertised after 13754
notices calling for bids have been published once a week for three 13755
consecutive weeks, in at least one newspaper of general 13756
circulation within the university branch district wherein the work 13757
is to be done. Such managing authority may let such contract to 13758
the lowest responsive and responsible bidder, in accordance with 13759
section 9.312 of the Revised Code, who meets the requirements of 13760
section 153.54 of the Revised Code. Such contract shall be in 13761
writing and shall be accompanied by or shall refer to plans and 13762
specifications for the work to be done. Such contract shall be 13763
approved by the managing authority of the university branch 13764
district and signed by the chairperson or vice-chairperson of the 13765

managing authority and by the contractor. 13766

(B) On the first day of January of every even-numbered year, 13767
the chancellor of the board of regents shall adjust the fifty 13768
thousand dollar contract limit set forth in division (A) of this 13769
section, as adjusted in any previous year pursuant to this 13770
division. The chancellor shall adjust the limit according to the 13771
average increase or decrease for each of the two years immediately 13772
preceding the adjustment as set forth in the United States 13773
department of commerce, bureau of ~~the census~~ economic analysis 13774
implicit price deflator for construction gross domestic product, 13775
nonresidential structures, or an alternative if the federal 13776
government ceases to publish this metric, provided that no 13777
increase or decrease for any year shall exceed three per cent of 13778
the contract limit in existence at the time of the adjustment. 13779
Notwithstanding division (A) of this section, the limit adjusted 13780
under this division shall be used thereafter in lieu of the limit 13781
in division (A) of this section. 13782

(C) Before entering into an improvement pursuant to division 13783
(A) of this section, the managing authority of the university 13784
branch district shall require separate and distinct proposals to 13785
be made for furnishing materials or doing work on the improvement, 13786
or both, in the board's discretion, for each separate and distinct 13787
branch or class of work entering into the improvement. The 13788
managing authority also may require a single, combined proposal 13789
for the entire project for materials or doing work, or both, in 13790
the board's discretion, that includes each separate and distinct 13791
branch or class of work entering into the improvement. The 13792
managing authority need not solicit separate proposals for a 13793
branch or class of work for an improvement if the estimate cost 13794
for that branch or class of work is less than five thousand 13795
dollars. 13796

(D) When more than one branch or class of work is required, 13797

no contract for the entire job, or for a greater portion thereof 13798
than is embraced in one such branch or class of work shall be 13799
awarded, unless the separate bids do not cover all the work and 13800
materials required or the bids for the whole or for two or more 13801
kinds of work or materials are lower than the separate bids in the 13802
aggregate. The managing authority need not award separate 13803
contracts for a branch or class of work entering into an 13804
improvement if the estimated cost for that branch or class of work 13805
is less than five thousand dollars. 13806

Sec. 3356.02. The board of trustees of Youngstown state 13807
university shall annually elect from their members a ~~chairman~~ 13808
chairperson and a ~~vice-chairman~~ vice-chairperson; and they may 13809
also appoint a secretary of the board, a treasurer, and such other 13810
officers of the university as the interest of the university 13811
requires, who may be members of the board. The treasurer, before 13812
entering upon the discharge of ~~his~~ official duties, shall give 13813
bond to the state or be insured for faithful performance of ~~his~~ 13814
the treasurer's duties and the proper accounting for all moneys 13815
coming into ~~his~~ the treasurer's care. The amount of said bond or 13816
insurance shall be determined by the board, but shall not be for a 13817
sum less than the estimated amount which may come into ~~his~~ the 13818
treasurer's control at any time, less any reasonable deductible. 13819
~~Said bond shall be approved by the attorney general.~~ 13820

Sec. 3357.16. (A) When the board of trustees of a technical 13821
college district has by resolution determined to let by contract 13822
the work of improvements pursuant to the official plan of such 13823
district, contracts in amounts exceeding a dollar amount set by 13824
the board, which dollar amount shall not exceed fifty thousand 13825
dollars, shall be advertised after notice calling for bids has 13826
been published once a week for three consecutive weeks, in at 13827
least one newspaper of general circulation within the technical 13828

college district where the work is to be done. The board of 13829
trustees of the technical college district may let such contract 13830
to the lowest responsive and responsible bidder, in accordance 13831
with section 9.312 of the Revised Code, who meets the requirements 13832
of section 153.54 of the Revised Code. Such contract shall be in 13833
writing and shall be accompanied by or shall refer to plans and 13834
specifications for the work to be done. Such contract shall be 13835
approved by the board of trustees and signed by the president of 13836
the board and by the contractor. 13837

(B) On the first day of January of every even-numbered year, 13838
the chancellor of the board of regents shall adjust the fifty 13839
thousand dollar contract limit set forth in division (A) of this 13840
section, as adjusted in any previous year pursuant to this 13841
division. The chancellor shall adjust the limit according to the 13842
average increase or decrease for each of the two years immediately 13843
preceding the adjustment as set forth in the United States 13844
department of commerce, bureau of ~~the census~~ economic analysis 13845
implicit price deflator for construction gross domestic product, 13846
nonresidential structures, or an alternative if the federal 13847
government ceases to publish this metric, provided that no 13848
increase or decrease for any year shall exceed three per cent of 13849
the contract limit in existence at the time of the adjustment. 13850
Notwithstanding division (A) of this section, the limit adjusted 13851
under this division shall be used thereafter in lieu of the limit 13852
in division (A) of this section. 13853

(C) Before entering into an improvement pursuant to division 13854
(A) of this section, the board of trustees of a technical college 13855
district shall require separate and distinct proposals to be made 13856
for furnishing materials or doing work on the improvement, or 13857
both, in the board's discretion, for each separate and distinct 13858
branch or class of work entering into the improvement. The board 13859
of trustees also may require a single, combined proposal for the 13860

entire project for materials or doing work, or both, in the 13861
board's discretion, that includes each separate and distinct 13862
branch or class of work entering into the improvement. The board 13863
of trustees need not solicit separate proposals for a branch or 13864
class of work for an improvement if the estimate cost for that 13865
branch or class of work is less than five thousand dollars. 13866

(D) When more than one branch or class of work is required, 13867
no contract for the entire job, or for a greater portion thereof 13868
than is embraced in one such branch or class of work shall be 13869
awarded, unless the separate bids do not cover all the work and 13870
materials required or the bids for the whole or for two or more 13871
kinds of work or materials are lower than the separate bids in the 13872
aggregate. The board of trustees need not award separate contracts 13873
for a branch or class of work entering into an improvement if the 13874
estimated cost for that branch or class of work is less than five 13875
thousand dollars. 13876

Sec. 3359.02. The board of trustees of the university of 13877
Akron shall annually elect from their members a ~~chairman~~ 13878
chairperson and a ~~vice-chairman~~ vice-chairperson; and they may 13879
also appoint a secretary of the board, a treasurer, and such other 13880
officers of the university as the interest of the university 13881
requires, who may be members of the board. The treasurer, before 13882
entering upon the discharge of ~~his~~ official duties, shall give 13883
bond to the state or be insured for the faithful performance of 13884
~~his~~ the treasurer's duties and the proper accounting for all 13885
moneys coming into ~~his~~ the treasurer's care. The amount of said 13886
bonds or insurance shall be determined by the board, but shall not 13887
be for a sum less than the estimated amount which may come into 13888
~~his~~ the treasurer's control at any time, less any reasonable 13889
deductible. ~~Said bond shall be approved by the attorney general.~~ 13890

Sec. 3361.02. The board of trustees of the university of 13891

Cincinnati shall annually elect from their members a ~~chairman~~ 13892
chairperson and a ~~vice-chairman~~ vice-chairperson, and they may 13893
also appoint a secretary of the board, a treasurer, and such other 13894
officers of the university as the interests of the university 13895
require, who may be members of the board. The treasurer, before 13896
entering upon the discharge of ~~his~~ official duties, shall give 13897
bond to the state or be insured for the faithful performance of 13898
~~his~~ the treasurer's duties and the proper accounting for all 13899
moneys coming into ~~his~~ the treasurer's care. The amount of said 13900
bond or insurance shall be determined by the board, but shall not 13901
be for a sum less than the estimated amount which may come into 13902
~~his~~ the treasurer's control at any time, less any reasonable 13903
deductible. ~~Said bond shall be approved by the attorney general.~~ 13904

Sec. 3364.02. The board of trustees of the university of 13905
Toledo annually shall elect from among its members a chairperson 13906
and a vice-chairperson, and also may appoint a secretary of the 13907
board, a treasurer, and such other officers of the university as 13908
the interest of the university requires, who may be members of the 13909
board. The treasurer, before entering upon the discharge of 13910
official duties, shall give bond to the state or be insured for 13911
the faithful performance of the treasurer's duties and the proper 13912
accounting for all moneys coming into the treasurer's care. The 13913
amount of that bond or insurance shall be determined by the board, 13914
but shall not be for a sum less than the estimated amount which 13915
may come into the treasurer's control at any time, less any 13916
reasonable deductible. 13917

Sec. 3365.15. The program known as "seniors to sophomores," 13918
or any successor name, shall permit nonpublic school students to 13919
participate. 13920

Sec. 3501.17. (A) The expenses of the board of elections 13921

shall be paid from the county treasury, in pursuance of 13922
appropriations by the board of county commissioners, in the same 13923
manner as other county expenses are paid. If the board of county 13924
commissioners fails to appropriate an amount sufficient to provide 13925
for the necessary and proper expenses of the board of elections 13926
pertaining to the conduct of elections, the board of elections may 13927
apply to the court of common pleas within the county, which shall 13928
fix the amount necessary to be appropriated and the amount shall 13929
be appropriated. Payments shall be made upon vouchers of the board 13930
of elections certified to by its chairperson or acting chairperson 13931
and the director or deputy director, upon warrants of the county 13932
auditor. 13933

The board of elections shall not incur any obligation 13934
involving the expenditure of money unless there are moneys 13935
sufficient in the funds appropriated therefor to meet the 13936
obligation. If the board of elections requests a transfer of funds 13937
from one of its appropriation items to another, the board of 13938
county commissioners shall adopt a resolution providing for the 13939
transfer except as otherwise provided in section 5705.40 of the 13940
Revised Code. The expenses of the board of elections shall be 13941
apportioned among the county and the various subdivisions as 13942
provided in this section, and the amount chargeable to each 13943
subdivision shall be withheld by the auditor from the moneys 13944
payable thereto at the time of the next tax settlement. At the 13945
time of submitting budget estimates in each year, the board of 13946
elections shall submit to the taxing authority of each 13947
subdivision, upon the request of the subdivision, an estimate of 13948
the amount to be withheld from the subdivision during the next 13949
fiscal year. 13950

(B) Except as otherwise provided in division (F) of this 13951
section, the compensation of the members of the board of elections 13952
and of the director, deputy director, and regular employees in the 13953

board's offices, other than compensation for overtime worked; the 13954
expenditures for the rental, furnishing, and equipping of the 13955
office of the board and for the necessary office supplies for the 13956
use of the board; the expenditures for the acquisition, repair, 13957
care, and custody of the polling places, booths, guardrails, and 13958
other equipment for polling places; the cost of tally sheets, 13959
maps, flags, ballot boxes, and all other permanent records and 13960
equipment; the cost of all elections held in and for the state and 13961
county; and all other expenses of the board which are not 13962
chargeable to a political subdivision in accordance with this 13963
section shall be paid in the same manner as other county expenses 13964
are paid. 13965

(C) The compensation of judges of elections and intermittent 13966
employees in the board's offices; the cost of renting, moving, 13967
heating, and lighting polling places and of placing and removing 13968
ballot boxes and other fixtures and equipment thereof, including 13969
voting machines, marking devices, and automatic tabulating 13970
equipment; the cost of printing and delivering ballots, cards of 13971
instructions, registration lists required under section 3503.23 of 13972
the Revised Code, and other election supplies, including the 13973
supplies required to comply with division (H) of section 3506.01 13974
of the Revised Code; the cost of contractors engaged by the board 13975
to prepare, program, test, and operate voting machines, marking 13976
devices, and automatic tabulating equipment; and all other 13977
expenses of conducting primaries and elections in the odd-numbered 13978
years shall be charged to the subdivisions in and for which such 13979
primaries or elections are held. The charge for each primary or 13980
general election in odd-numbered years for each subdivision shall 13981
be determined in the following manner: first, the total cost of 13982
all chargeable items used in conducting such elections shall be 13983
ascertained; second, the total charge shall be divided by the 13984
number of precincts participating in such election, in order to 13985
fix the cost per precinct; third, the cost per precinct shall be 13986

prorated by the board of elections to the subdivisions conducting 13987
elections for the nomination or election of offices in such 13988
precinct; fourth, the total cost for each subdivision shall be 13989
determined by adding the charges prorated to it in each precinct 13990
within the subdivision. 13991

(D) The entire cost of special elections held on a day other 13992
than the day of a primary or general election, both in 13993
odd-numbered or in even-numbered years, shall be charged to the 13994
subdivision. Where a special election is held on the same day as a 13995
primary or general election in an even-numbered year, the 13996
subdivision submitting the special election shall be charged only 13997
for the cost of ballots and advertising. Where a special election 13998
is held on the same day as a primary or general election in an 13999
odd-numbered year, the subdivision submitting the special election 14000
shall be charged for the cost of ballots and advertising for such 14001
special election, in addition to the charges prorated to such 14002
subdivision for the election or nomination of candidates in each 14003
precinct within the subdivision, as set forth in the preceding 14004
paragraph. 14005

(E) Where a special election is held on the day specified by 14006
division (E) of section 3501.01 of the Revised Code for the 14007
holding of a primary election, for the purpose of submitting to 14008
the voters of the state constitutional amendments proposed by the 14009
general assembly, and a subdivision conducts a special election on 14010
the same day, the entire cost of the special election shall be 14011
divided proportionally between the state and the subdivision based 14012
upon a ratio determined by the number of issues placed on the 14013
ballot by each, except as otherwise provided in division (G) of 14014
this section. Such proportional division of cost shall be made 14015
only to the extent funds are available for such purpose from 14016
amounts appropriated by the general assembly to the secretary of 14017
state. If a primary election is also being conducted in the 14018

subdivision, the costs shall be apportioned as otherwise provided 14019
in this section. 14020

(F) When a precinct is open during a general, primary, or 14021
special election solely for the purpose of submitting to the 14022
voters a statewide ballot issue, the state shall bear the entire 14023
cost of the election in that precinct and shall reimburse the 14024
county for all expenses incurred in opening the precinct. 14025

(G) The state shall bear the entire cost of advertising in 14026
newspapers statewide ballot issues, explanations of those issues, 14027
and arguments for or against those issues, as required by Section 14028
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 14029
and any other section of law. ~~The Ohio ballot board~~ Appropriations
made to the controlling board shall be used to reimburse the 14030
secretary of state for all expenses the secretary of state incurs 14031
for such advertising under division (G) of section 3505.062 of the 14032
Revised Code. 14033
14034

(H) The cost of renting, heating, and lighting registration 14035
places; the cost of the necessary books, forms, and supplies for 14036
the conduct of registration; and the cost of printing and posting 14037
precinct registration lists shall be charged to the subdivision in 14038
which such registration is held. 14039

(I) At the request of a majority of the members of the board 14040
of elections, the board of county commissioners may, by 14041
resolution, establish an elections revenue fund. Except as 14042
otherwise provided in this division, the purpose of the fund shall 14043
be to accumulate revenue withheld by or paid to the county under 14044
this section for the payment of any expense related to the duties 14045
of the board of elections specified in section 3501.11 of the 14046
Revised Code, upon approval of a majority of the members of the 14047
board of elections. The fund shall not accumulate any revenue 14048
withheld by or paid to the county under this section for the 14049
compensation of the members of the board of elections or of the 14050

director, deputy director, or other regular employees in the 14051
board's offices, other than compensation for overtime worked. 14052

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 14053
Revised Code, the board of county commissioners may, by 14054
resolution, transfer money to the elections revenue fund from any 14055
other fund of the political subdivision from which such payments 14056
lawfully may be made. Following an affirmative vote of a majority 14057
of the members of the board of elections, the board of county 14058
commissioners may, by resolution, rescind an elections revenue 14059
fund established under this division. If an elections revenue fund 14060
is rescinded, money that has accumulated in the fund shall be 14061
transferred to the county general fund. 14062

(J) As used in this section: 14063

(1) "Political subdivision" and "subdivision" mean any board 14064
of county commissioners, board of township trustees, legislative 14065
authority of a municipal corporation, board of education, or any 14066
other board, commission, district, or authority that is empowered 14067
to levy taxes or permitted to receive the proceeds of a tax levy, 14068
regardless of whether the entity receives tax settlement moneys as 14069
described in division (A) of this section; 14070

(2) "Statewide ballot issue" means any ballot issue, whether 14071
proposed by the general assembly or by initiative or referendum, 14072
that is submitted to the voters throughout the state. 14073

Sec. 3702.71. As used in sections 3702.71 to 3702.81 of the 14074
Revised Code: 14075

(A) "Primary care physician" means an individual who is 14076
authorized under Chapter 4731. of the Revised Code to practice 14077
medicine and surgery or osteopathic medicine and surgery and is 14078
board certified or board eligible in a primary care specialty. 14079

(B) "Primary care service" means professional comprehensive 14080

personal health services, which may include health education and 14081
disease prevention, treatment of uncomplicated health problems, 14082
diagnosis of chronic health problems, overall management of health 14083
care services for an individual or a family, and the services of a 14084
psychiatrist. "Primary care service" also includes providing the 14085
initial contact for health care services and making referrals for 14086
secondary and tertiary care and for continuity of health care 14087
services. 14088

(C) "Primary care specialty" means general internal medicine, 14089
pediatrics, adolescent medicine, obstetrics and gynecology, 14090
psychiatry, child and adolescent psychiatry, geriatric psychiatry, 14091
combined internal medicine and pediatrics, geriatrics, or family 14092
practice. 14093

Sec. 3702.72. (A) A primary care physician who will not have 14094
an outstanding obligation for medical service to the federal 14095
government, a state, or other entity at the time of participation 14096
in the physician loan repayment program and meets one of the 14097
following requirements may apply for participation in the 14098
physician loan repayment program: 14099

(1) The primary care physician is enrolled in the final year 14100
of an accredited program required for board certification in a 14101
primary care specialty. 14102

(2) The primary care physician is enrolled in the final year 14103
of a fellowship program in a primary care specialty. 14104

(3) The primary care physician holds a valid certificate to 14105
practice medicine and surgery or osteopathic medicine and surgery 14106
issued under Chapter 4731. of the Revised Code. 14107

(B) An application for participation in the physician loan 14108
repayment program shall be submitted to the director of health on 14109
a form that the director shall prescribe. The information required 14110

to be submitted with an application includes the following: 14111

(1) The applicant's name, permanent address or address at 14112
which the applicant is currently residing if different from the 14113
permanent address, and telephone number; 14114

(2) The applicant's primary care specialty or specialties; 14115

(3) The medical school or osteopathic medical school the 14116
applicant attended, the dates of attendance, and verification of 14117
attendance; 14118

(4) The facility or institution where the applicant's medical 14119
residency program was completed or is being performed, and, if 14120
completed, the date of completion; 14121

(5) If applicable, the facility or institution where the 14122
applicant's fellowship was completed or is being performed, and, 14123
if completed, the date of completion; 14124

(6) A summary and verification of the educational expenses 14125
for which the applicant seeks reimbursement under the program; 14126

~~(6)~~(7) Verification of the applicant's authorization under 14127
Chapter 4731. of the Revised Code to practice medicine and surgery 14128
or osteopathic medicine and surgery; 14129

~~(7)~~(8) Verification of the applicant's United States 14130
citizenship or status as a legal alien. 14131

Sec. 3702.73. If funds are available in the physician loan 14132
repayment fund created under section 3702.78 of the Revised Code 14133
and the general assembly has appropriated funds for the physician 14134
loan repayment program, the director of health shall approve an 14135
applicant for participation in the program if the director finds 14136
that, in accordance with the priorities established under section 14137
3702.77 of the Revised Code, the applicant is eligible for 14138
participation in the program and the applicant's primary care 14139
specialty is needed in a health resource shortage area. 14140

Upon approval, the director shall notify and enter into 14141
discussions with the applicant. The object of the discussions is 14142
to facilitate the recruitment of the applicant to a site within a 14143
health resource shortage area at which, according to the 14144
priorities established under section 3702.77 of the Revised Code, 14145
the applicant's primary care specialty is most needed. 14146

If the director and applicant agree on the applicant's 14147
placement at a particular site within a health resource shortage 14148
area, the applicant shall prepare, sign, and deliver to the 14149
director a letter of intent agreeing to that placement. 14150

Sec. 3702.74. (A) A primary care physician who has signed a 14151
letter of intent under section 3702.73 of the Revised Code, and 14152
~~the director of health, and the Ohio board of regents~~ may enter 14153
into a contract for the physician's participation in the physician 14154
loan repayment program. ~~A lending institution~~ The physician's 14155
employer or other funding source may also be a party to the 14156
contract. 14157

(B) The contract shall include all of the following 14158
obligations: 14159

(1) The primary care physician agrees to provide primary care 14160
services in the health resource shortage area identified in the 14161
letter of intent for at least two years ~~or one year per twenty~~ 14162
~~thousand dollars of repayment agreed to under division (B)(3) of~~ 14163
~~this section, whichever is greater;~~ 14164

(2) When providing primary care services in the health 14165
resource shortage area, the primary care physician agrees to do 14166
all of the following: 14167

(a) Provide primary care services for a minimum of forty 14168
hours per week, of which at least twenty-one hours will be spent 14169
providing patient care in an outpatient or ambulatory setting; 14170

(b) Provide primary care services without regard to a 14171
patient's ability to pay; 14172

(c) Meet the conditions prescribed by the "Social Security 14173
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the 14174
department of job and family services for participation in the 14175
~~medical assistance~~ medicaid program established under Chapter 14176
5111. of the Revised Code and enter into a contract with the 14177
department to provide primary care services to recipients of the 14178
medical assistance program; 14179

(d) Meet the conditions established by the department of job 14180
and family services for participation in the disability medical 14181
assistance program established under Chapter 5115. of the Revised 14182
Code and enter into a contract with the department to provide 14183
primary care services to recipients of disability medical 14184
assistance. 14185

(3) The ~~Ohio board of regents~~ department of health agrees, as 14186
provided in section 3702.75 of the Revised Code, to repay, so long 14187
as the primary care physician performs the service obligation 14188
agreed to under division (B)(1) of this section, all or part of 14189
the principal and interest of a government or other educational 14190
loan taken by the primary care physician for expenses described in 14191
section 3702.75 of the Revised Code; 14192

(4) The primary care physician agrees to pay the ~~board the~~ 14193
~~following as damages~~ department of health an amount established by 14194
rules adopted under section 3702.79 of the Revised Code if the 14195
physician fails to complete the service obligation agreed to under 14196
division (B)(1) of this section; 14197

~~(a) If the failure occurs during the first two years of the~~ 14198
~~service obligation, three times the total amount the board has~~ 14199
~~agreed to repay under division (B)(3) of this section;~~ 14200

~~(b) If the failure occurs after the first two years of the~~ 14201

~~service obligation, three times the amount the board is still 14202
obligated to repay under division (B)(3) of this section. 14203~~

~~(C) The contract may include any other terms agreed upon by 14204
the parties, including an assignment to the Ohio board of regents 14205
of the physician's duty to pay the principal and interest of a 14206
government or other educational loan taken by the physician for 14207
expenses described in section 3702.75 of the Revised Code. If the 14208
board assumes the physician's duty to pay a loan, the contract 14209
shall set forth the total amount of principal and interest to be 14210
paid, an amortization schedule, and the amount of each payment to 14211
be made under the schedule. 14212~~

Sec. 3702.75. There is hereby created the physician loan 14213
repayment program. Under the program, the ~~Ohio board of regents~~ 14214
department of health, by means of a contract provision under 14215
division (B)(3) of section 3702.74 of the Revised Code, may agree 14216
to repay all or part of the principal and interest of a government 14217
or other educational loan taken by a primary care physician for 14218
the following expenses, so long as the expenses were incurred 14219
while the physician was enrolled in, for up to a maximum of four 14220
years, a medical school or osteopathic medical school in the 14221
United States that was, during the time enrolled, accredited by 14222
the liaison committee on medical education or the American 14223
osteopathic association, or a medical school or osteopathic 14224
medical school located outside the United States that was, during 14225
the time enrolled, acknowledged by the world health organization 14226
and verified by a member state of that organization as operating 14227
within the state's jurisdiction: 14228

(A) Tuition; 14229

(B) Other educational expenses, such as fees, books, and 14230
laboratory expenses, for specific purposes and in amounts 14231
determined to be reasonable by the director of health; 14232

(C) Room and board, in an amount determined reasonable by the 14233
director of health. 14234

~~No~~ In the first and second years, no repayment shall exceed 14235
~~twenty~~ twenty-five thousand dollars in ~~any~~ each year. In the third 14236
and fourth years, no repayment shall exceed thirty-five thousand 14237
dollars in each year. If, however, a repayment results in an 14238
increase in the primary care physician's federal, state, or local 14239
income tax liability, ~~the Ohio board of regents,~~ at the 14240
physician's request ~~and with the approval of the director of~~ 14241
~~health,~~ the department may reimburse the physician for the 14242
increased tax liability, regardless of the amount of the repayment 14243
made to the physician in that year. 14244

Not later than the thirty-first day of January each year, the 14245
~~Ohio board of regents~~ department shall mail to each physician to 14246
whom or on whose behalf repayment is made under this section a 14247
statement showing the amount ~~of principal and interest~~ repaid by 14248
the ~~board~~ department pursuant to the contract in the preceding 14249
year. The statement shall be sent by ordinary mail with address 14250
correction and forwarding requested in the manner prescribed by 14251
the United States postal service. 14252

Sec. 3702.78. The director of health may accept gifts of 14253
money from any source for the implementation and administration of 14254
sections 3702.72 to 3702.77 of the Revised Code. ~~The Ohio board of~~ 14255
~~regents may accept gifts of money from any source for~~ 14256
~~implementation and administration of the physician loan repayment~~ 14257
~~program under sections 3702.74 and 3702.75 of the Revised Code.~~ 14258

The director shall pay all gifts accepted under this section 14259
into the state treasury, to the credit of the health resource 14260
shortage area fund, which is hereby created. ~~The board shall pay,~~ 14261
and ~~all gifts accepted under this section,~~ and damages collected 14262
under division (B)(4) of section 3702.74 of the Revised Code, into 14263

the state treasury, to the credit of the physician loan repayment fund, which is hereby created. 14264
14265

The director shall use the health resource shortage area ~~fund~~ and the physician loan repayment funds for the implementation and administration of sections 3702.72 to 3702.77 of the Revised Code. 14266
14267
The board shall use the physician loan repayment fund for the implementation and administration of the physician loan repayment program under sections 3702.74 and 3702.75 of the Revised Code. 14268
14269
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Sec. 3702.79. The director of health, in accordance with Chapter 119. of the Revised Code, shall adopt rules as necessary to implement and administer sections 3702.71 to 3702.78 of the Revised Code. In preparing rules, the director shall consult with the Ohio board of regents and the physician loan repayment advisory board. 14272
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Sec. 3702.81. There is hereby created the physician loan repayment advisory board. The board shall consist of ~~eleven~~ ten members as follows: 14278
14279
14280

(A) The following ~~six~~ five members appointed by the governor: a representative of ~~the department of health, a representative of~~ the Ohio academy of family practice, a representative of the board of regents, a representative of the Ohio association of community health centers, a representative of the Ohio state medical association, and a representative of the Ohio osteopathic association; 14281
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(B) Two members of the house of representatives, one from each political party, appointed by the speaker of the house of representatives; 14288
14289
14290

(C) Two members of the senate, one from each political party, appointed by the president of the senate. 14291
14292

(D) The director of health or an employee of the department 14293

of health designated by the director. 14294

Of the initial appointments made by the governor, three shall 14295
be for terms ending June 30, 1994, and four shall be for terms 14296
ending June 30, 1995. Of the initial appointments made by the 14297
speaker of the house of representatives, one shall be for a term 14298
ending June 30, 1994, and one shall be for a term ending June 30, 14299
1995. Of the initial appointments made by the president of the 14300
senate, one shall be for a term ending June 30, 1994, and one 14301
shall be for a term ending June 30, 1995. Thereafter, terms of 14302
office shall be two years, commencing on the first day of July and 14303
ending on the thirtieth day of June. Each member shall hold office 14304
from the date of appointment until the end of the term for which 14305
the member was appointed, except that a legislative member ceases 14306
to be a member of the board upon ceasing to be a member of the 14307
general assembly. 14308

Vacancies shall be filled in the manner prescribed for the 14309
original appointment. A member appointed to fill a vacancy 14310
occurring prior to the expiration of the term for which the 14311
member's predecessor was appointed shall hold office for the 14312
remainder of that term. A member shall continue in office 14313
subsequent to the expiration of the member's term until a 14314
successor takes office or until sixty days have elapsed, whichever 14315
occurs first. No person shall be appointed to the board for more 14316
than two consecutive terms. 14317

The governor, speaker, ~~or~~ president, or director may remove a 14318
member for whom the governor, speaker, ~~or~~ president, or director 14319
was the appointing authority, for misfeasance, malfeasance, or 14320
willful neglect of duty. 14321

The ~~governor board~~ shall designate a member ~~of the board~~ to 14322
serve as chairperson of the board. 14323

The board shall meet at least once annually. The chairperson 14324

shall call special meetings as needed or upon the request of six 14325
members. 14326

Six members of the board constitute a quorum to transact and 14327
vote on all business coming before the board. 14328

Members of the board shall serve without compensation. 14329

The department of health shall provide the board with staff 14330
assistance as requested by the board. 14331

Sec. 3702.85. There is hereby created the dentist loan 14332
repayment program, which shall be administered by the department 14333
of health in cooperation with ~~the board of regents and~~ the dentist 14334
loan repayment advisory board. The program shall provide loan 14335
repayment on behalf of individuals who agree to provide dental 14336
services in areas designated as dental health resource shortage 14337
areas by the director of health pursuant to section 3702.87 of the 14338
Revised Code. 14339

Under the program, the ~~Ohio board~~ department of regents 14340
health, by means of a contract entered into under section 3702.91 14341
of the Revised Code, may agree to repay all or part of the 14342
principal and interest of a government or other educational loan 14343
taken by an individual for the following expenses incurred while 14344
the individual was enrolled in an accredited dental college or a 14345
dental college located outside of the United States that meets the 14346
standards of section 4715.11 of the Revised Code: 14347

(A) Tuition; 14348

(B) Other educational expenses, such as fees, books, and 14349
laboratory expenses that are for purposes and in amounts 14350
determined reasonable by the director of health; 14351

(C) Room and board, in an amount determined reasonable by the 14352
director of health. 14353

Sec. 3702.86. The director of health, in accordance with 14354
Chapter 119. of the Revised Code, shall adopt rules as necessary 14355
to implement and administer sections 3702.85 to 3702.95 of the 14356
Revised Code. In preparing rules, the director shall consult with 14357
~~the Ohio board of regents and~~ the dentist loan repayment advisory 14358
board. 14359

Sec. 3702.91. (A) An individual who has signed a letter of 14360
intent under section 3702.90 of the Revised Code may enter into a 14361
contract with the director of health ~~and the Ohio board of regents~~ 14362
for participation in the dentist loan repayment program. A lending 14363
institution may also be a party to the contract. 14364

(B) The contract shall include all of the following 14365
obligations: 14366

(1) The individual agrees to provide dental services in the 14367
dental health resource shortage area identified in the letter of 14368
intent for at least one year. 14369

(2) When providing dental services in the dental health 14370
resource shortage area, the individual agrees to do all of the 14371
following: 14372

(a) Provide dental services for a minimum of forty hours per 14373
week; 14374

(b) Provide dental services without regard to a patient's 14375
ability to pay; 14376

(c) Meet the conditions prescribed by the "Social Security 14377
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the 14378
department of job and family services for participation in the 14379
medicaid program established under Chapter 5111. of the Revised 14380
Code and enter into a contract with the department to provide 14381
dental services to medicaid recipients. 14382

(3) The ~~Ohio board of regents~~ department of health agrees, as 14383
provided in section 3702.85 of the Revised Code, to repay, so long 14384
as the individual performs the service obligation agreed to under 14385
division (B)(1) of this section, all or part of the principal and 14386
interest of a government or other educational loan taken by the 14387
individual for expenses described in section 3702.85 of the 14388
Revised Code up to but not exceeding twenty thousand dollars per 14389
year of service. 14390

(4) The individual agrees to pay the ~~board~~ department of 14391
health the following as damages if the individual fails to 14392
complete the service obligation agreed to under division (B)(1) of 14393
this section: 14394

(a) If the failure occurs during the first two years of the 14395
service obligation, three times the total amount the ~~board~~ 14396
department has agreed to repay under division (B)(3) of this 14397
section; 14398

(b) If the failure occurs after the first two years of the 14399
service obligation, three times the amount the ~~board~~ department is 14400
still obligated to repay under division (B)(3) of this section. 14401

(C) The contract may include any other terms agreed upon by 14402
the parties, including an assignment to the ~~Ohio board of regents~~ 14403
department of health of the individual's duty to pay the principal 14404
and interest of a government or other educational loan taken by 14405
the individual for expenses described in section 3702.85 of the 14406
Revised Code. If the ~~board~~ department assumes the individual's 14407
duty to pay a loan, the contract shall set forth the total amount 14408
of principal and interest to be paid, an amortization schedule, 14409
and the amount of each payment to be made under the schedule. 14410

(D) Not later than the thirty-first day of January of each 14411
year, the ~~Ohio board of regents~~ department of health shall mail to 14412
each individual to whom or on whose behalf repayment is made under 14413

the dentist loan repayment program a statement showing the amount 14414
of principal and interest repaid by the ~~board~~ department pursuant 14415
to the contract in the preceding year. The statement shall be sent 14416
by ordinary mail with address correction and forwarding requested 14417
in the manner prescribed by the United States postal service. 14418

Sec. 3702.93. The dentist loan repayment advisory board shall 14419
determine the amounts that will be paid as loan repayments on 14420
behalf of participants in the dentist loan repayment program. No 14421
repayment shall exceed twenty thousand dollars in any year, except 14422
that if a repayment results in an increase in the participant's 14423
federal, state, or local income tax liability, the ~~Ohio board of~~ 14424
~~regents~~ department of health, at the participant's request and 14425
with the approval of the director of health, may reimburse the 14426
participant for the increased tax liability, regardless of the 14427
amount of the repayment in that year. Total repayment on behalf of 14428
a participant shall not exceed eighty thousand dollars over the 14429
time of participation in the program. 14430

Sec. 3702.95. The director of health may accept gifts of 14431
money from any source for the implementation and administration of 14432
sections 3702.85 to 3702.93 of the Revised Code. ~~The Ohio board of~~ 14433
~~regents may accept gifts of money from any source for~~ 14434
~~implementation and administration of the dentist loan repayment~~ 14435
~~program under sections 3702.85 and 3702.91 of the Revised Code.~~ 14436

The director shall pay all gifts accepted under this section 14437
into the state treasury, to the credit of the dental health 14438
resource shortage area fund, which is hereby created. ~~The board~~ 14439
~~shall pay, and all gifts accepted under this section, and damages~~ 14440
collected under division (B)(4) of section 3702.91 of the Revised 14441
Code, into the state treasury, to the credit of the dentist loan 14442
repayment fund, which is hereby created. 14443

The director shall use the dental health resource shortage area ~~fund and dentist loan repayment funds~~ for the implementation and administration of sections 3702.85 ~~and 3702.87 to 3702.93 to 3702.95~~ of the Revised Code. ~~The board shall use the dentist loan repayment fund for the implementation and administration of the dentist loan repayment program under sections 3702.85 and 3702.91 of the Revised Code.~~

Sec. 3703.01. (A) Except as otherwise provided in this section, the division of industrial compliance in the department of commerce shall do all of the following:

(1) Inspect all nonresidential buildings within the meaning of section 3781.06 of the Revised Code;

(2) Condemn all unsanitary or defective plumbing that is found in connection with those places;

(3) Order changes in plumbing necessary to insure the safety of the public health.

(B)(1)(a) The division of industrial compliance, boards of health of city and general health districts, and county building departments shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any municipal corporation that is certified by the board of building standards under section 3781.10 of the Revised Code to exercise enforcement authority for plumbing in those types of buildings.

(b) The division shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any health district that employs one or more plumbing inspectors certified pursuant to division (D) of this section to enforce Chapters 3781. and 3791. of the Revised Code and the rules adopted pursuant to those chapters relating to plumbing in those types of buildings.

(c) The division shall not inspect plumbing or collect fees 14474
for inspecting plumbing in particular types of buildings in any 14475
health district where the county building department is authorized 14476
to inspect those types of buildings pursuant to a contract 14477
described in division (C)(1) of this section. 14478

(d) The division shall not inspect plumbing or collect fees 14479
for inspecting plumbing in particular types of buildings in any 14480
health district where the board of health has entered into a 14481
contract with the board of health of another district to conduct 14482
inspections pursuant to division (C)(2) of this section. 14483

(2) No county building department shall inspect plumbing or 14484
collect fees for inspecting plumbing in any type of building in a 14485
health district unless the department is authorized to inspect 14486
that type of building pursuant to a contract described in division 14487
(C)(1) of this section. 14488

(3) No municipal corporation shall inspect plumbing or 14489
collect fees for inspecting plumbing in types of buildings for 14490
which it is not certified by the board of building standards under 14491
section 3781.10 of the Revised Code to exercise enforcement 14492
authority. 14493

(4) No board of health of a health district shall inspect 14494
plumbing or collect fees for inspecting plumbing in types of 14495
buildings for which it does not have a plumbing inspector 14496
certified pursuant to division (D) of this section. 14497

(C)(1) The board of health of a health district may enter 14498
into a contract with a board of county commissioners to authorize 14499
the county building department to inspect plumbing in buildings 14500
within the health district. The contract may designate that the 14501
department inspect either residential or nonresidential buildings, 14502
as those terms are defined in section 3781.06 of the Revised Code, 14503
or both types of buildings, so long as the department employs or 14504

contracts with a plumbing inspector certified pursuant to division 14505
(D) of this section to inspect the types of buildings the contract 14506
designates. The board of health may enter into a contract 14507
regardless of whether the health district employs any certified 14508
plumbing inspectors to enforce Chapters 3781. and 3791. of the 14509
Revised Code. 14510

(2) The board of health of a health district, regardless of 14511
whether it employs any certified plumbing inspectors to enforce 14512
Chapters 3781. and 3791. of the Revised Code, may enter into a 14513
contract with the board of health of another health district to 14514
authorize that board to inspect plumbing in buildings within the 14515
contracting board's district. The contract may designate the 14516
inspection of either residential or nonresidential buildings as 14517
defined in section 3781.06 of the Revised Code, or both types of 14518
buildings, so long as the board that performs the inspections 14519
employs a plumbing inspector certified pursuant to division (D) of 14520
this section to inspect the types of buildings the contract 14521
designates. 14522

(D) The superintendent of industrial compliance shall adopt 14523
rules prescribing minimum qualifications based on education, 14524
training, experience, or demonstrated ability, that the 14525
superintendent shall use in certifying or recertifying plumbing 14526
inspectors to do plumbing inspections for health districts and 14527
county building departments that are authorized to perform 14528
inspections pursuant to a contract under division (C)(1) of this 14529
section, and for continuing education of plumbing inspectors. 14530
Those minimum qualifications shall be related to the types of 14531
buildings for which a person seeks certification. 14532

(E) The superintendent may enter into reciprocal 14533
registration, licensure, or certification agreements with other 14534
states and other agencies of this state relative to plumbing 14535
inspectors if both of the following apply: 14536

(1) The requirements for registration, licensure, or certification of plumbing inspectors under the laws of the other state or laws administered by the other agency are substantially equal to the requirements the superintendent adopts under division (D) of this section for certifying plumbing inspectors.

(2) The other state or agency extends similar reciprocity to persons certified under this chapter.

(F) The superintendent may select and contract with one or more persons to do all of the following regarding examinations for certification of plumbing inspectors:

(1) Prepare, administer, score, and maintain the confidentiality of the examination;

(2) Maintain responsibility for all expenses required to comply with division (F)(1) of this section;

(3) Charge each applicant a fee for administering the examination in an amount the superintendent authorizes;

(4) Design the examination for certification of plumbing inspectors to determine an applicant's competence to inspect plumbing.

(G) Standards and methods prescribed in local plumbing regulations shall not be less than those prescribed in Chapters 3781. and 3791. of the Revised Code and the rules adopted pursuant to those chapters.

(H) Notwithstanding any other provision of this section, the division shall make a plumbing inspection of any building or other place that there is reason to believe is in a condition to be a menace to the public health.

Sec. 3734.821. ~~Beginning on the effective date of this section~~ Beginning on the effective date of this amendment and ending on June 30, 2011, at least sixty-five per cent of the

moneys collected under division (A)(2) of section 3734.901 of the Revised Code and deposited in the state treasury to the credit of the scrap tire management fund created in section 3734.82 of the Revised Code shall be expended for clean-up and removal activities at the ~~Kirby Goss~~ Wyandot Muskingum tire site in Wyandot Muskingum county or other tire sites in the state.

Sec. 3735.67. (A) The owner of real property located in a community reinvestment area and eligible for exemption from taxation under a resolution adopted pursuant to section 3735.66 of the Revised Code may file an application for an exemption from real property taxation of a percentage of the assessed valuation of a new structure or remodeling, completed after the effective date of the resolution adopted pursuant to section 3735.66 of the Revised Code, with the housing officer designated pursuant to section 3735.66 of the Revised Code for the community reinvestment area in which the property is located. If any part of the new structure or remodeling that would be exempted is of real property to be used for commercial or industrial purposes, the legislative authority and the owner of the property shall enter into a written agreement pursuant to section 3735.671 of the Revised Code prior to commencement of construction or remodeling; if such an agreement is subject to approval by the board of education of the school district within the territory of which the property is or will be located, the agreement shall not be formally approved by the legislative authority until the board of education approves the agreement in the manner prescribed by that section.

(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, 14598
the housing officer shall not determine whether the remodeling 14599
meets the requirements for a tax exemption unless the 14600
appropriateness of the remodeling has been certified, in writing, 14601
by the society, association, agency, or legislative authority that 14602
has designated the structure or by any organization or person 14603
authorized, in writing, by such society, association, agency, or 14604
legislative authority to certify the appropriateness of the 14605
remodeling. 14606

(C) If the construction or remodeling meets the requirements 14607
for exemption, the housing officer shall forward the application 14608
to the county auditor with a certification as to the division of 14609
this section under which the exemption is granted, and the period 14610
and percentage of the exemption as determined by the legislative 14611
authority pursuant to that division. If the construction or 14612
remodeling is of commercial or industrial property and the 14613
legislative authority is not required to certify a copy of a 14614
resolution under section 3735.671 of the Revised Code, the housing 14615
officer shall comply with the notice requirements prescribed under 14616
section 5709.83 of the Revised Code, unless the board has adopted 14617
a resolution under that section waiving its right to receive such 14618
a notice. 14619

(D) Except as provided in division (F) of this section, the 14620
tax exemption shall first apply in the year the construction or 14621
remodeling would first be taxable but for this section. In the 14622
case of remodeling that qualifies for exemption, a percentage, not 14623
to exceed one hundred per cent, of the amount by which the 14624
remodeling increased the assessed value of the structure shall be 14625
exempted from real property taxation. In the case of construction 14626
of a structure that qualifies for exemption, a percentage, not to 14627
exceed one hundred per cent, of the assessed value of the 14628
structure shall be exempted from real property taxation. In either 14629

case, the percentage shall be the percentage set forth in the 14630
agreement if the structure or remodeling is to be used for 14631
commercial or industrial purposes, or the percentage set forth in 14632
the resolution describing the community reinvestment area if the 14633
structure or remodeling is to be used for residential purposes. 14634

The construction of new structures and the remodeling of 14635
existing structures are hereby declared to be a public purpose for 14636
which exemptions from real property taxation may be granted for 14637
the following periods: 14638

(1) For every dwelling containing not more than two family 14639
units located within the same community reinvestment area and upon 14640
which the cost of remodeling is at least two thousand five hundred 14641
dollars, a period to be determined by the legislative authority 14642
adopting the resolution describing the community reinvestment area 14643
where the dwelling is located, but not exceeding ten years unless 14644
extended pursuant to division (D)(3) of this section; 14645

(2) For every dwelling containing more than two units and 14646
commercial or industrial properties, located within the same 14647
community reinvestment area, upon which the cost of remodeling is 14648
at least five thousand dollars, a period to be determined by the 14649
legislative authority adopting the resolution, but not exceeding 14650
twelve years unless extended pursuant to division (D)(3) of this 14651
section; 14652

(3) The period of exemption for a dwelling described in 14653
division (D)(1) or (2) of this section may be extended by a 14654
legislative authority for up to an additional ten years if the 14655
dwelling is a structure of historical or architectural 14656
significance, is a certified historic structure that has been 14657
subject to federal tax treatment under 26 U.S.C. 47 and 170(h), 14658
and units within the structure have been leased to individual 14659
tenants for five consecutive years; 14660

(4) Except as provided in division (F) of this section, for 14661
construction of every dwelling, and commercial or industrial 14662
structure located within the same community reinvestment area, a 14663
period to be determined by the legislative authority adopting the 14664
resolution, but not exceeding fifteen years. 14665

(E) Any person, board, or officer authorized by section 14666
5715.19 of the Revised Code to file complaints with the county 14667
board of revision may file a complaint with the housing officer 14668
challenging the continued exemption of any property granted an 14669
exemption under this section. A complaint against exemption shall 14670
be filed prior to the thirty-first day of December of the tax year 14671
for which taxation of the property is requested. The housing 14672
officer shall determine whether the property continues to meet the 14673
requirements for exemption and shall certify the housing officer's 14674
findings to the complainant. If the housing officer determines 14675
that the property does not meet the requirements for exemption, 14676
the housing officer shall notify the county auditor, who shall 14677
correct the tax list and duplicate accordingly. 14678

(F) The owner of a dwelling constructed in a community 14679
reinvestment area may file an application for an exemption after 14680
the year the construction first became subject to taxation. The 14681
application shall be processed in accordance with the procedures 14682
prescribed under this section and shall be granted if the 14683
construction that is the subject of the application otherwise 14684
meets the requirements for an exemption under this section. If 14685
approved, the exemption sought in the application first applies in 14686
the year the application is filed. An exemption approved pursuant 14687
to this division continues only for those years remaining in the 14688
period described in division (D)~~(3)~~(4) of this section. No 14689
exemption may be claimed for any year in that period that precedes 14690
the year in which the application is filed. 14691

Sec. 3743.02. (A) Any person who wishes to manufacture 14692
fireworks in this state shall submit to the fire marshal an 14693
application for licensure as a manufacturer of fireworks before 14694
the first day of October of each year. The application shall be 14695
submitted prior to the operation of a fireworks plant, shall be on 14696
a form prescribed by the fire marshal, shall contain all 14697
information required by this section or requested by the fire 14698
marshal, and shall be accompanied by the license fee, 14699
fingerprints, and proof of insurance coverage described in 14700
division (B) of this section. 14701

The fire marshal shall prescribe a form for applications for 14702
licensure as a manufacturer of fireworks and make a copy of the 14703
form available, upon request, to persons who seek that licensure. 14704

(B) An applicant for licensure as a manufacturer of fireworks 14705
shall submit with the application all of the following: 14706

(1) A license fee of two thousand seven hundred fifty 14707
dollars, which the fire marshal shall use to pay for fireworks 14708
safety education, training programs, and inspections. If the 14709
applicant has any storage locations approved in accordance with 14710
division (I) of section 3743.04 of the Revised Code, the applicant 14711
also shall submit a fee of one hundred dollars per storage 14712
location for the inspection of each storage location. 14713

(2) Proof of comprehensive general liability insurance 14714
coverage, specifically including fire and smoke casualty on 14715
premises and products, in an amount not less than one million 14716
dollars for each occurrence for bodily injury liability and 14717
wrongful death liability at the fireworks plant. All applicants 14718
shall submit evidence of comprehensive general liability insurance 14719
coverage verified by the insurer and certified as to its provision 14720
of the minimum coverage required under this division. 14721

(3) One ~~complete~~ set of the applicant's fingerprints or 14722

similar identifying information and a ~~complete~~ set of fingerprints 14723
or similar identifying information of any individual holding, 14724
owning, or controlling a five per cent or greater beneficial or 14725
equity interest in the applicant for the license. The fire marshal 14726
may adopt rules in accordance with Chapter 119. of the Revised 14727
Code specifying the method to be used by the applicant to provide 14728
the fingerprint or similar identifying information, fees to be 14729
assessed by the fire marshal to conduct such background checks, 14730
and the procedures to be used by the fire marshal to verify 14731
compliance with this section. Such rules may include provisions 14732
establishing the frequency that license renewal applicants must 14733
update background check information filed by the applicant with 14734
previous license applications and provisions describing 14735
alternative forms of background check information that may be 14736
accepted by the fire marshal to verify compliance with this 14737
section. 14738

(C) A separate application for licensure as a manufacturer of 14739
fireworks shall be submitted for each fireworks plant that a 14740
person wishes to operate in this state. 14741

(D) If an applicant intends to include the processing of 14742
fireworks as any part of its proposed manufacturing of fireworks, 14743
a statement indicating that intent shall be included in its 14744
application for licensure. 14745

Sec. 3743.04. (A) The license of a manufacturer of fireworks 14746
is effective for one year beginning on the first day of December. 14747
The fire marshal shall issue or renew a license only on that date 14748
and at no other time. If a manufacturer of fireworks wishes to 14749
continue manufacturing fireworks at the designated fireworks plant 14750
after its then effective license expires, it shall apply no later 14751
than the first day of October for a new license pursuant to 14752
section 3743.02 of the Revised Code. The fire marshal shall send a 14753

written notice of the expiration of its license to a licensed 14754
manufacturer at least three months before the expiration date. 14755

(B) If, during the effective period of its licensure, a 14756
licensed manufacturer of fireworks wishes to construct, locate, or 14757
relocate any buildings or other structures on the premises of its 14758
fireworks plant, to make any structural change or renovation in 14759
any building or other structure on the premises of its fireworks 14760
plant, or to change the nature of its manufacturing of fireworks 14761
so as to include the processing of fireworks, the manufacturer 14762
shall notify the fire marshal in writing. The fire marshal may 14763
require a licensed manufacturer also to submit documentation, 14764
including, but not limited to, plans covering the proposed 14765
construction, location, relocation, structural change or 14766
renovation, or change in manufacturing of fireworks, if the fire 14767
marshal determines the documentation is necessary for evaluation 14768
purposes in light of the proposed construction, location, 14769
relocation, structural change or renovation, or change in 14770
manufacturing of fireworks. 14771

Upon receipt of the notification and additional documentation 14772
required by the fire marshal, the fire marshal shall inspect the 14773
premises of the fireworks plant to determine if the proposed 14774
construction, location, relocation, structural change or 14775
renovation, or change in manufacturing of fireworks conforms to 14776
sections 3743.02 to 3743.08 of the Revised Code and the rules 14777
adopted by the fire marshal pursuant to section 3743.05 of the 14778
Revised Code. The fire marshal shall issue a written authorization 14779
to the manufacturer for the construction, location, relocation, 14780
structural change or renovation, or change in manufacturing of 14781
fireworks if the fire marshal determines, upon the inspection and 14782
a review of submitted documentation, that the construction, 14783
location, relocation, structural change or renovation, or change 14784
in manufacturing of fireworks conforms to those sections and 14785

rules. Upon authorizing a change in manufacturing of fireworks to 14786
include the processing of fireworks, the fire marshal shall make 14787
notations on the manufacturer's license and in the list of 14788
licensed manufacturers in accordance with section 3743.03 of the 14789
Revised Code. 14790

On or before June 1, 1998, a licensed manufacturer shall 14791
install, in every licensed building in which fireworks are 14792
manufactured, stored, or displayed and to which the public has 14793
access, interlinked fire detection, smoke exhaust, and smoke 14794
evacuation systems that are approved by the superintendent of the 14795
division of industrial compliance, and shall comply with floor 14796
plans showing occupancy load limits and internal circulation and 14797
egress patterns that are approved by the fire marshal and 14798
superintendent, and that are submitted under seal as required by 14799
section 3791.04 of the Revised Code. Notwithstanding section 14800
3743.59 of the Revised Code, the construction and safety 14801
requirements established in this division are not subject to any 14802
variance, waiver, or exclusion. 14803

(C) The license of a manufacturer of fireworks authorizes the 14804
manufacturer to engage only in the following activities: 14805

(1) The manufacturing of fireworks on the premises of the 14806
fireworks plant as described in the application for licensure or 14807
in the notification submitted under division (B) of this section, 14808
except that a licensed manufacturer shall not engage in the 14809
processing of fireworks unless authorized to do so by its license. 14810

(2) To possess for sale at wholesale and sell at wholesale 14811
the fireworks manufactured by the manufacturer, to persons who are 14812
licensed wholesalers of fireworks, to out-of-state residents in 14813
accordance with section 3743.44 of the Revised Code, to residents 14814
of this state in accordance with section 3743.45 of the Revised 14815
Code, or to persons located in another state provided the 14816
fireworks are shipped directly out of this state to them by the 14817

manufacturer. A person who is licensed as a manufacturer of 14818
fireworks on June 14, 1988, also may possess for sale and sell 14819
pursuant to division (C)(2) of this section fireworks other than 14820
those the person manufactures. The possession for sale shall be on 14821
the premises of the fireworks plant described in the application 14822
for licensure or in the notification submitted under division (B) 14823
of this section, and the sale shall be from the inside of a 14824
licensed building and from no other structure or device outside a 14825
licensed building. At no time shall a licensed manufacturer sell 14826
any class of fireworks outside a licensed building. 14827

(3) Possess for sale at retail and sell at retail the 14828
fireworks manufactured by the manufacturer, other than 1.4G 14829
fireworks as designated by the fire marshal in rules adopted 14830
pursuant to division (A) of section 3743.05 of the Revised Code, 14831
to licensed exhibitors in accordance with sections 3743.50 to 14832
3743.55 of the Revised Code, and possess for sale at retail and 14833
sell at retail the fireworks manufactured by the manufacturer, 14834
including 1.4G fireworks, to out-of-state residents in accordance 14835
with section 3743.44 of the Revised Code, to residents of this 14836
state in accordance with section 3743.45 of the Revised Code, or 14837
to persons located in another state provided the fireworks are 14838
shipped directly out of this state to them by the manufacturer. A 14839
person who is licensed as a manufacturer of fireworks on June 14, 14840
1988, may also possess for sale and sell pursuant to division 14841
(C)(3) of this section fireworks other than those the person 14842
manufactures. The possession for sale shall be on the premises of 14843
the fireworks plant described in the application for licensure or 14844
in the notification submitted under division (B) of this section, 14845
and the sale shall be from the inside of a licensed building and 14846
from no other structure or device outside a licensed building. At 14847
no time shall a licensed manufacturer sell any class of fireworks 14848
outside a licensed building. 14849

A licensed manufacturer of fireworks shall sell under 14850
division (C) of this section only fireworks that meet the 14851
standards set by the consumer product safety commission or by the 14852
American fireworks standard laboratories or that have received an 14853
EX number from the United States department of transportation. 14854

(D) The license of a manufacturer of fireworks shall be 14855
protected under glass and posted in a conspicuous place on the 14856
premises of the fireworks plant. Except as otherwise provided in 14857
this division, the license is not transferable or assignable. A 14858
license may be transferred to another person for the same 14859
fireworks plant for which the license was issued if the assets of 14860
the plant are transferred to that person by inheritance or by a 14861
sale approved by the fire marshal. The license is subject to 14862
revocation in accordance with section 3743.08 of the Revised Code. 14863

(E) The fire marshal shall not place the license of a 14864
manufacturer of fireworks in a temporarily inactive status while 14865
the holder of the license is attempting to qualify to retain the 14866
license. 14867

(F) Each licensed manufacturer of fireworks that possesses 14868
fireworks for sale and sells fireworks under division (C) of 14869
section 3743.04 of the Revised Code, or a designee of the 14870
manufacturer, whose identity is provided to the fire marshal by 14871
the manufacturer, annually shall attend a continuing education 14872
program ~~consisting of not less than eight hours of instruction.~~ 14873
The fire marshal shall develop the program and the fire marshal or 14874
a person or public agency approved by the fire marshal shall 14875
conduct it. A licensed manufacturer or the manufacturer's designee 14876
who attends a program as required under this division, within one 14877
year after attending the program, shall conduct in-service 14878
training as approved by the fire marshal for other employees of 14879
the licensed manufacturer regarding the information obtained in 14880
the program. A licensed manufacturer shall provide the fire 14881

marshal with notice of the date, time, and place of all in-service 14882
training ~~not less than thirty days prior to an in service training~~ 14883
~~event.~~ For any program conducted under this division, the fire 14884
marshal shall, in accordance with rules adopted by the fire 14885
marshal under Chapter 119. of the Revised Code, establish the 14886
subjects to be taught, the length of classes, the standards for 14887
approval, and time periods for notification by the licensee to the 14888
state fire marshal of any in-service training. 14889

(G) A licensed manufacturer shall maintain comprehensive 14890
general liability insurance coverage in the amount and type 14891
specified under division (B)(2) of section 3743.02 of the Revised 14892
Code at all times. Each policy of insurance required under this 14893
division shall contain a provision requiring the insurer to give 14894
not less than fifteen days' prior written notice to the fire 14895
marshal before termination, lapse, or cancellation of the policy, 14896
or any change in the policy that reduces the coverage below the 14897
minimum required under this division. Prior to canceling or 14898
reducing the amount of coverage of any comprehensive general 14899
liability insurance coverage required under this division, a 14900
licensed manufacturer shall secure supplemental insurance in an 14901
amount and type that satisfies the requirements of this division 14902
so that no lapse in coverage occurs at any time. A licensed 14903
manufacturer who secures supplemental insurance shall file 14904
evidence of the supplemental insurance with the fire marshal prior 14905
to canceling or reducing the amount of coverage of any 14906
comprehensive general liability insurance coverage required under 14907
this division. 14908

(H) The fire marshal shall adopt rules for the expansion or 14909
contraction of a licensed premises and for approval of such 14910
expansions or contractions. The boundaries of a licensed premises, 14911
including any geographic expansion or contraction of those 14912
boundaries, shall be approved by the fire marshal in accordance 14913

with rules the fire marshal adopts. If the licensed premises 14914
consists of more than one parcel of real estate, those parcels 14915
shall be contiguous unless an exception is allowed pursuant to 14916
division (I) of this section. 14917

(I)(1) A licensed manufacturer may expand its licensed 14918
premises within this state to include not more than two storage 14919
locations that are located upon one or more real estate parcels 14920
that are noncontiguous to the licensed premises as that licensed 14921
premises exists on the date a licensee submits an application as 14922
described below, if all of the following apply: 14923

(a) The licensee submits an application to the fire marshal 14924
and an application fee of one hundred dollars per storage location 14925
for which the licensee is requesting approval. 14926

(b) The identity of the holder of the license remains the 14927
same at the storage location. 14928

(c) The storage location has received a valid certificate of 14929
zoning compliance as applicable and a valid certificate of 14930
occupancy for each building or structure at the storage location 14931
issued by the authority having jurisdiction to issue the 14932
certificate for the storage location, and those certificates 14933
permit the distribution and storage of fireworks regulated under 14934
this chapter at the storage location and in the buildings or 14935
structures. The storage location shall be in compliance with all 14936
other applicable federal, state, and local laws and regulations. 14937

(d) Every building or structure located upon the storage 14938
location is separated from occupied residential and nonresidential 14939
buildings or structures, railroads, highways, or any other 14940
buildings or structures on the licensed premises in accordance 14941
with the distances specified in the rules adopted by the fire 14942
marshal pursuant to section 3743.05 of the Revised Code. 14943

(e) Neither the licensee nor any person holding, owning, or 14944

controlling a five per cent or greater beneficial or equity 14945
interest in the licensee has been convicted of or pleaded guilty 14946
to a felony under the laws of this state, any other state, or the 14947
United States, after ~~the effective date of this amendment~~ 14948
September 29, 2005. 14949

(f) The fire marshal approves the application for expansion. 14950

(2) The fire marshal shall approve an application for 14951
expansion requested under division (I)(1) of this section if the 14952
fire marshal receives the application fee and proof that the 14953
requirements of divisions (I)(1)(b) to (e) of this section are 14954
satisfied. The storage location shall be considered part of the 14955
original licensed premises and shall use the same distinct number 14956
assigned to the original licensed premises with any additional 14957
designations as the fire marshal deems necessary in accordance 14958
with section 3743.03 of the Revised Code. 14959

(J)(1) A licensee who obtains approval for the use of a 14960
storage location in accordance with division (I) of this section 14961
shall use the storage location exclusively for the following 14962
activities, in accordance with division (C) of this section: 14963

(a) The packaging, assembling, or storing of fireworks, which 14964
shall only occur in buildings, or structures, ~~or trailers~~ approved 14965
for such hazardous uses by the building code official having 14966
jurisdiction for the storage location and or, for 1.4G fireworks, 14967
in containers or trailers approved for such hazardous uses by the 14968
fire marshal if such containers or trailers are not subject to 14969
regulation by the building code adopted in accordance with Chapter 14970
3781. of the Revised Code. All such storage shall be in accordance 14971
with the rules adopted by the fire marshal under division (G) of 14972
section 3743.05 of the Revised Code for the packaging, assembling, 14973
and storage of fireworks. 14974

(b) Distributing fireworks to other parcels of real estate 14975

located on the manufacturer's licensed premises, to licensed 14976
wholesalers or other licensed manufacturers in this state or to 14977
similarly licensed persons located in another state or country; 14978

(c) Distributing fireworks to a licensed exhibitor of 14979
fireworks pursuant to a properly issued permit in accordance with 14980
section 3743.54 of the Revised Code. 14981

(2) A licensed manufacturer shall not engage in any sales 14982
activity, including the retail sale of fireworks otherwise 14983
permitted under division (C)(2) or (C)(3) of this section, or 14984
pursuant to section 3743.44 or 3743.45 of the Revised Code, at the 14985
storage location approved under this section. 14986

(3) A storage location may not be relocated for a minimum 14987
period of five years after the storage location is approved by the 14988
fire marshal in accordance with division (I) of this section. 14989

(K) The licensee shall prohibit public access to the storage 14990
location. The fire marshal shall adopt rules to describe the 14991
acceptable measures a manufacturer shall use to prohibit access to 14992
the storage site. 14993

Sec. 3743.15. (A) Except as provided in division (C) of this 14994
section, any person who wishes to be a wholesaler of fireworks in 14995
this state shall submit to the fire marshal an application for 14996
licensure as a wholesaler of fireworks before the first day of 14997
October of each year. The application shall be submitted prior to 14998
commencement of business operations, shall be on a form prescribed 14999
by the fire marshal, shall contain all information requested by 15000
the fire marshal, and shall be accompanied by the license fee, 15001
fingerprints, and proof of insurance coverage described in 15002
division (B) of this section. 15003

The fire marshal shall prescribe a form for applications for 15004
licensure as a wholesaler of fireworks and make a copy of the form 15005

available, upon request, to persons who seek that licensure. 15006

(B) An applicant for licensure as a wholesaler of fireworks 15007
shall submit with the application all of the following: 15008

(1) A license fee of two thousand seven hundred fifty 15009
dollars, which the fire marshal shall use to pay for fireworks 15010
safety education, training programs, and inspections. If the 15011
applicant has any storage locations approved in accordance with 15012
division (G) of section 3743.17 of the Revised Code, the applicant 15013
also shall submit a fee of one hundred dollars per storage 15014
location for the inspection of each storage location. 15015

(2) Proof of comprehensive general liability insurance 15016
coverage, specifically including fire and smoke casualty on 15017
premises, in an amount not less than one million dollars for each 15018
occurrence for bodily injury liability and wrongful death 15019
liability at its business location. Proof of such insurance 15020
coverage shall be submitted together with proof of coverage for 15021
products liability on all inventory located at the business 15022
location. All applicants shall submit evidence of comprehensive 15023
general liability insurance coverage verified by the insurer and 15024
certified as to its provision of the minimum coverage required 15025
under this division. 15026

(3) One ~~complete~~ set of the applicant's fingerprints or 15027
similar identifying information and a ~~complete~~ set of fingerprints 15028
or similar identifying information of any individual holding, 15029
owning, or controlling a five per cent or greater beneficial or 15030
equity interest in the applicant for the license. The fire marshal 15031
may adopt rules in accordance with Chapter 119. of the Revised 15032
Code specifying the method to be used by the applicant to provide 15033
the fingerprint or similar identifying information, fees to be 15034
assessed by the fire marshal to conduct such background checks, 15035
and the procedures to be used by the fire marshal to verify 15036
compliance with this section. Such rules may include provisions 15037

establishing the frequency that license renewal applicants must 15038
update background check information filed by the applicant with 15039
previous license applications and provisions describing 15040
alternative forms of background check information that may be 15041
accepted by the fire marshal to verify compliance with this 15042
section. 15043

(C) A licensed manufacturer of fireworks is not required to 15044
apply for and obtain a wholesaler of fireworks license in order to 15045
engage in the wholesale sale of fireworks as authorized by 15046
division (C)(2) of section 3743.04 of the Revised Code. A business 15047
which is not a licensed manufacturer of fireworks may engage in 15048
the wholesale and retail sale of fireworks in the same manner as a 15049
licensed manufacturer of fireworks is authorized to do under this 15050
chapter without the necessity of applying for and obtaining a 15051
license pursuant to this section, but only if the business sells 15052
the fireworks on the premises of a fireworks plant covered by a 15053
license issued under section 3743.03 of the Revised Code and the 15054
holder of that license owns at least a majority interest in that 15055
business. However, if a licensed manufacturer of fireworks wishes 15056
to engage in the wholesale sale of fireworks in this state at a 15057
location other than the premises of the fireworks plant described 15058
in its application for licensure as a manufacturer or in a 15059
notification submitted under division (B) of section 3743.04 of 15060
the Revised Code, the manufacturer shall first apply for and 15061
obtain a wholesaler of fireworks license before engaging in 15062
wholesale sales of fireworks at the other location. 15063

(D) A separate application for licensure as a wholesaler of 15064
fireworks shall be submitted for each location at which a person 15065
wishes to engage in wholesale sales of fireworks. 15066

Sec. 3743.17. (A) The license of a wholesaler of fireworks is 15067
effective for one year beginning on the first day of December. The 15068

fire marshal shall issue or renew a license only on that date and 15069
at no other time. If a wholesaler of fireworks wishes to continue 15070
engaging in the wholesale sale of fireworks at the particular 15071
location after its then effective license expires, it shall apply 15072
not later than the first day of October for a new license pursuant 15073
to section 3743.15 of the Revised Code. The fire marshal shall 15074
send a written notice of the expiration of its license to a 15075
licensed wholesaler at least three months before the expiration 15076
date. 15077

(B) If, during the effective period of its licensure, a 15078
licensed wholesaler of fireworks wishes to perform any 15079
construction, or make any structural change or renovation, on the 15080
premises on which the fireworks are sold, the wholesaler shall 15081
notify the fire marshal in writing. The fire marshal may require a 15082
licensed wholesaler also to submit documentation, including, but 15083
not limited to, plans covering the proposed construction or 15084
structural change or renovation, if the fire marshal determines 15085
the documentation is necessary for evaluation purposes in light of 15086
the proposed construction or structural change or renovation. 15087

Upon receipt of the notification and additional documentation 15088
required by the fire marshal, the fire marshal shall inspect the 15089
premises on which the fireworks are sold to determine if the 15090
proposed construction or structural change or renovation conforms 15091
to sections 3743.15 to 3743.21 of the Revised Code and the rules 15092
adopted by the fire marshal pursuant to section 3743.18 of the 15093
Revised Code. The fire marshal shall issue a written authorization 15094
to the wholesaler for the construction or structural change or 15095
renovation if the fire marshal determines, upon the inspection and 15096
a review of submitted documentation, that the construction or 15097
structural change or renovation conforms to those sections and 15098
rules. 15099

(C) The license of a wholesaler of fireworks authorizes the 15100

wholesaler to engage only in the following activities: 15101

(1) Possess for sale at wholesale and sell at wholesale 15102
fireworks to persons who are licensed wholesalers of fireworks, to 15103
out-of-state residents in accordance with section 3743.44 of the 15104
Revised Code, to residents of this state in accordance with 15105
section 3743.45 of the Revised Code, or to persons located in 15106
another state provided the fireworks are shipped directly out of 15107
this state to them by the wholesaler. The possession for sale 15108
shall be at the location described in the application for 15109
licensure or in the notification submitted under division (B) of 15110
this section, and the sale shall be from the inside of a licensed 15111
building and from no structure or device outside a licensed 15112
building. At no time shall a licensed wholesaler sell any class of 15113
fireworks outside a licensed building. 15114

(2) Possess for sale at retail and sell at retail fireworks, 15115
other than 1.4G fireworks as designated by the fire marshal in 15116
rules adopted pursuant to division (A) of section 3743.05 of the 15117
Revised Code, to licensed exhibitors in accordance with sections 15118
3743.50 to 3743.55 of the Revised Code, and possess for sale at 15119
retail and sell at retail fireworks, including 1.4G fireworks, to 15120
out-of-state residents in accordance with section 3743.44 of the 15121
Revised Code, to residents of this state in accordance with 15122
section 3743.45 of the Revised Code, or to persons located in 15123
another state provided the fireworks are shipped directly out of 15124
this state to them by the wholesaler. The possession for sale 15125
shall be at the location described in the application for 15126
licensure or in the notification submitted under division (B) of 15127
this section, and the sale shall be from the inside of the 15128
licensed building and from no other structure or device outside 15129
this licensed building. At no time shall a licensed wholesaler 15130
sell any class of fireworks outside a licensed building. 15131

A licensed wholesaler of fireworks shall sell under division 15132

(C) of this section only fireworks that meet the standards set by 15133
the consumer product safety commission or by the American 15134
fireworks standard laboratories or that have received an EX number 15135
from the United States department of transportation. 15136

(D) The license of a wholesaler of fireworks shall be 15137
protected under glass and posted in a conspicuous place at the 15138
location described in the application for licensure or in the 15139
notification submitted under division (B) of this section. Except 15140
as otherwise provided in this section, the license is not 15141
transferable or assignable. A license may be transferred to 15142
another person for the same location for which the license was 15143
issued if the assets of the wholesaler are transferred to that 15144
person by inheritance or by a sale approved by the fire marshal. 15145
The license is subject to revocation in accordance with section 15146
3743.21 of the Revised Code. 15147

(E) The fire marshal shall adopt rules for the expansion or 15148
contraction of a licensed premises and for the approval of an 15149
expansion or contraction. The boundaries of a licensed premises, 15150
including any geographic expansion or contraction of those 15151
boundaries, shall be approved by the fire marshal in accordance 15152
with rules the fire marshal adopts. If the licensed premises of a 15153
licensed wholesaler from which the wholesaler operates consists of 15154
more than one parcel of real estate, those parcels must be 15155
contiguous, unless an exception is allowed pursuant to division 15156
(G) of this section. 15157

(F)(1) Upon application by a licensed wholesaler of 15158
fireworks, a wholesaler license may be transferred from one 15159
geographic location to another within the same municipal 15160
corporation or within the unincorporated area of the same 15161
township, but only if all of the following apply: 15162

(a) The identity of the holder of the license remains the 15163
same in the new location. 15164

(b) The former location is closed prior to the opening of the new location and no fireworks business of any kind is conducted at the former location after the transfer of the license.

(c) The new location has received a local certificate of zoning compliance and a local certificate of occupancy, and otherwise is in compliance with all local building regulations.

~~(d) The transfer of the license is requested by the licensee because the existing facility poses an immediate hazard to the public.~~

~~(e)~~ Every building or structure at the new location is separated from occupied residential and nonresidential buildings or structures, railroads, highways, or any other buildings or structures located on the licensed premises in accordance with the distances specified in the rules adopted by the fire marshal pursuant to section 3743.18 of the Revised Code. If the licensee fails to comply with the requirements of division (F)(1)~~(e)~~(d) of this section by the licensee's own act, the license at the new location is forfeited.

~~(f)~~(e) Neither the licensee nor any person holding, owning, or controlling a five per cent or greater beneficial or equity interest in the licensee has been convicted of or has pleaded guilty to a felony under the laws of this state, any other state, or the United States after June 30, 1997.

~~(g)~~(f) The fire marshal approves the request for the transfer.

(2) The new location shall comply with the requirements specified in divisions ~~(A)~~(C)(1) and (2) of section 3743.25 of the Revised Code whether or not the fireworks showroom at the new location is constructed, expanded, or first begins operating on and after June 30, 1997.

(G)(1) A licensed wholesaler may expand its licensed premises

within this state to include not more than two storage locations 15196
that are located upon one or more real estate parcels that are 15197
noncontiguous to the licensed premises as that licensed premises 15198
exists on the date a licensee submits an application as described 15199
below, if all of the following apply: 15200

(a) The licensee submits an application to the fire marshal 15201
requesting the expansion and an application fee of one hundred 15202
dollars per storage location for which the licensee is requesting 15203
approval. 15204

(b) The identity of the holder of the license remains the 15205
same at the storage location. 15206

(c) The storage location has received a valid certificate of 15207
zoning compliance, as applicable, and a valid certificate of 15208
occupancy for each building or structure at the storage location 15209
issued by the authority having jurisdiction to issue the 15210
certificate for the storage location, and those certificates 15211
permit the distribution and storage of fireworks regulated under 15212
this chapter at the storage location and in the buildings or 15213
structures. The storage location shall be in compliance with all 15214
other applicable federal, state, and local laws and regulations. 15215

(d) Every building or structure located upon the storage 15216
location is separated from occupied residential and nonresidential 15217
buildings or structures, railroads, highways, and any other 15218
buildings or structures on the licensed premises in accordance 15219
with the distances specified in the rules adopted by the fire 15220
marshal pursuant to section 3743.18 of the Revised Code. 15221

(e) Neither the licensee nor any person holding, owning, or 15222
controlling a five per cent or greater beneficial or equity 15223
interest in the licensee has been convicted of or pleaded guilty 15224
to a felony under the laws of this state, any other state, or the 15225
United States, after ~~the effective date of this amendment~~ 15226

<u>September 29, 2005.</u>	15227
(f) The fire marshal approves the application for expansion.	15228
(2) The fire marshal shall approve an application for expansion requested under division (G)(1) of this section if the fire marshal receives the application fee and proof that the requirements of divisions (G)(1)(b) to (e) of this section are satisfied. The storage location shall be considered part of the original licensed premises and shall use the same distinct number assigned to the original licensed premises with any additional designations as the fire marshal deems necessary in accordance with section 3743.16 of the Revised Code.	15229 15230 15231 15232 15233 15234 15235 15236 15237
(H)(1) A licensee who obtains approval for use of a storage location in accordance with division (G) of this section shall use the site exclusively for the following activities, in accordance with division (C)(1) of this section:	15238 15239 15240 15241
(a) Packaging, assembling, or storing fireworks, which shall occur only in buildings <u>or structures</u> approved for such hazardous uses by the building code official having jurisdiction for the storage location <u>and or, for 1.4G fireworks, in containers or trailers approved for such hazardous uses by the fire marshal if such containers or trailers are not subject to regulation by the building code adopted in accordance with Chapter 3781. of the Revised Code. All such storage</u> shall be in accordance with the rules adopted by the fire marshal under division (B)(4) of section 3743.18 of the Revised Code for the packaging, assembling, and storage of fireworks.	15242 15243 15244 15245 15246 15247 15248 15249 15250 15251 15252
(b) Distributing fireworks to other parcels of real estate located on the wholesaler's licensed premises, to licensed manufacturers or other licensed wholesalers in this state or to similarly licensed persons located in another state or country;	15253 15254 15255 15256
(c) Distributing fireworks to a licensed exhibitor of	15257

fireworks pursuant to a properly issued permit in accordance with 15258
section 3743.54 of the Revised Code. 15259

(2) A licensed wholesaler shall not engage in any sales 15260
activity, including the retail sale of fireworks otherwise 15261
permitted under division (C)(2) of this section or pursuant to 15262
section 3743.44 or 3743.45 of the Revised Code, at a storage 15263
location approved under this section. 15264

(3) A storage location may not be relocated for a minimum 15265
period of five years after the storage location is approved by the 15266
fire marshal in accordance with division (G) of this section. 15267

(I) A licensee shall prohibit public access to all storage 15268
locations it uses. The fire marshal shall adopt rules establishing 15269
acceptable measures a wholesaler shall use to prohibit access to 15270
storage sites. 15271

(J) The fire marshal shall not place the license of a 15272
wholesaler of fireworks in temporarily inactive status while the 15273
holder of the license is attempting to qualify to retain the 15274
license. 15275

(K) Each licensed wholesaler of fireworks or a designee of 15276
the wholesaler, whose identity is provided to the fire marshal by 15277
the wholesaler, annually shall attend a continuing education 15278
program ~~consisting of not less than eight hours of instruction.~~ 15279
The fire marshal shall develop the program and the fire marshal or 15280
a person or public agency approved by the fire marshal shall 15281
conduct it. A licensed wholesaler or the wholesaler's designee who 15282
attends a program as required under this division, within one year 15283
after attending the program, shall conduct in-service training as 15284
approved by the fire marshal for other employees of the licensed 15285
wholesaler regarding the information obtained in the program. A 15286
licensed wholesaler shall provide the fire marshal with notice of 15287
the date, time, and place of all in-service training ~~not less than~~ 15288

~~thirty days prior to an in-service training event. For any program~~ 15289
~~conducted under this division, the fire marshal shall, in~~ 15290
~~accordance with rules adopted by the fire marshal under Chapter~~ 15291
~~119. of the Revised Code, establish the subjects to be taught, the~~ 15292
~~length of classes, the standards for approval, and time periods~~ 15293
~~for notification by the licensee to the state fire marshal of any~~ 15294
~~in-service training.~~ 15295

(L) A licensed wholesaler shall maintain comprehensive 15296
general liability insurance coverage in the amount and type 15297
specified under division (B)(2) of section 3743.15 of the Revised 15298
Code at all times. Each policy of insurance required under this 15299
division shall contain a provision requiring the insurer to give 15300
not less than fifteen days' prior written notice to the fire 15301
marshal before termination, lapse, or cancellation of the policy, 15302
or any change in the policy that reduces the coverage below the 15303
minimum required under this division. Prior to canceling or 15304
reducing the amount of coverage of any comprehensive general 15305
liability insurance coverage required under this division, a 15306
licensed wholesaler shall secure supplemental insurance in an 15307
amount and type that satisfies the requirements of this division 15308
so that no lapse in coverage occurs at any time. A licensed 15309
wholesaler who secures supplemental insurance shall file evidence 15310
of the supplemental insurance with the fire marshal prior to 15311
canceling or reducing the amount of coverage of any comprehensive 15312
general liability insurance coverage required under this division. 15313

Sec. 3743.19. In addition to conforming to the rules of the 15314
fire marshal adopted pursuant to section 3743.18 of the Revised 15315
Code, licensed wholesalers of fireworks shall conduct their 15316
business operations in accordance with the following: 15317

(A) A wholesaler shall conduct its business operations from 15318
the location described in its application for licensure or in a 15319

notification submitted under division (B) of section 3743.17 of 15320
the Revised Code. 15321

(B) Signs indicating that smoking is generally forbidden and 15322
trespassing is prohibited on the premises of a wholesaler shall be 15323
posted on the premises as determined by the fire marshal. 15324

(C) Reasonable precautions shall be taken to protect the 15325
premises of a wholesaler from trespass, loss, theft, or 15326
destruction. 15327

(D) Smoking or the carrying of pipes, cigarettes, or cigars, 15328
matches, lighters, other flame-producing items, or open flame on, 15329
or the carrying of a concealed source of ignition into, the 15330
premises of a wholesaler is prohibited, except that a wholesaler 15331
may permit smoking in specified lunchrooms or restrooms in 15332
buildings or other structures in which no sales, handling, or 15333
storage of fireworks takes place. "NO SMOKING" signs shall be 15334
posted on the premises as required by the fire marshal. 15335

(E) Fire and explosion prevention and other reasonable safety 15336
measures and precautions shall be implemented by a wholesaler. 15337

(F) Persons shall not be permitted to have in their 15338
possession or under their control, while they are on the premises 15339
of a wholesaler, any intoxicating liquor, beer, or controlled 15340
substance, and they shall not be permitted to enter or remain on 15341
the premises if they are found to be under the influence of any 15342
intoxicating liquor, beer, or controlled substance. 15343

(G) A wholesaler shall conform to all building, safety, and 15344
zoning statutes, ordinances, rules, or other enactments that apply 15345
to its premises. 15346

(H) Each building used in the sale of fireworks shall be kept 15347
open to the public for at least four hours each day between the 15348
hours of eight a.m. and five p.m., five days of each week, every 15349
week of the year. Upon application from a licensed wholesaler, the 15350

fire marshal may waive any of the requirements of this division. 15351

(I) Awnings, tents, or canopies shall not be used as 15352
facilities for the storage or sale of fireworks. This division 15353
does not prohibit the use of an awning or canopy attached to a 15354
public access showroom for storing nonflammable shopping 15355
convenience items such as shopping carts or baskets or providing a 15356
shaded area for patrons waiting to enter the public sales area. 15357

(J) ~~Fireworks~~ 1.4G fireworks may be stored in trailers if the 15358
trailers are properly enclosed, secured, and grounded and are 15359
separated from any structure to which the public is admitted by a 15360
distance that will, in the fire marshal's judgment, allow 15361
fire-fighting equipment to have full access to the structures on 15362
the licensed premises. Such trailers may be moved into closer 15363
proximity to any structure only to accept or discharge cargo for a 15364
period not to exceed forty-eight hours. Only two such trailers may 15365
be placed in such closer proximity at any one time. At no time may 15366
trailers be used for conducting sales of any class of fireworks 15367
nor may members of the public have access to the trailers. 15368

Storage areas for fireworks that are in the same building 15370
where fireworks are displayed and sold to the public shall be 15371
separated from the areas to which the public has access by an 15372
appropriately rated fire wall. If the licensee installs and 15373
properly maintains an early suppression fast response sprinkler 15374
system or equivalent fire suppression system as described in the 15375
fire code adopted by the fire marshal in accordance with section 15376
3737.82 of the Revised Code throughout the structure, a fire 15377
barrier wall may be substituted for a fire wall between the areas 15378
to which the public has access and the storage portions of the 15379
structure. 15380

(K) A fire suppression system as defined in section 3781.108 15381
of the Revised Code may be turned off only for repair, drainage of 15382

the system to prevent damage by freezing during the period of 15383
time, approved by the fire marshal under division (I) of this 15384
section, that the facility is closed to public access during 15385
winter months, or maintenance of the system. If any repair or 15386
maintenance is necessary during times when the facility is open 15387
for public access and business, the licensed wholesaler shall 15388
notify in advance the appropriate insurance company and fire chief 15389
or fire prevention officer regarding the nature of the maintenance 15390
or repair and the time when it will be performed. 15391

(L) If any fireworks item is removed from its original 15392
package or is manufactured with any fuse other than a fuse 15393
approved by the consumer product safety commission, then the item 15394
shall be covered completely by repackaging or bagging or it shall 15395
otherwise be covered so as to prevent ignition prior to sale. 15396

(M) A safety officer shall be present during regular business 15397
hours at a building open to the public during the period 15398
commencing fourteen days before, and ending two days after, each 15399
fourth day of July. The officer shall be highly visible, enforce 15400
this chapter and any applicable building codes to the extent the 15401
officer is authorized by law, and be one of the following: 15402

(1) A deputy sheriff; 15403

(2) A law enforcement officer of a municipal corporation, 15404
township, or township or joint township police district; 15405

(3) A private uniformed security guard registered under 15406
section 4749.06 of the Revised Code. 15407

(N) All doors of all buildings on the licensed premises shall 15408
swing outward. 15409

(O) All wholesale and commercial sales of fireworks shall be 15410
packaged, shipped, placarded, and transported in accordance with 15411
United States department of transportation regulations applicable 15412
to the transportation, and the offering for transportation, of 15413

hazardous materials. For purposes of this division, "wholesale and 15414
commercial sales" includes all sales for resale and any nonretail 15415
sale made in furtherance of a commercial enterprise. For purposes 15416
of enforcement of these regulations under section 4905.83 of the 15417
Revised Code, any sales transaction exceeding one thousand pounds 15418
shall be rebuttably presumed to be a wholesale or commercial sale. 15419

Sec. 3743.25. (A)(1) Except as described in division (A)(2) 15420
of this section, all retail sales of 1.4G fireworks by a licensed 15421
manufacturer or wholesaler shall only occur from an approved 15422
retail sales showroom on a licensed premises or from a 15423
representative sample showroom as described in this section on a 15424
licensed premises. For the purposes of this section, a retail sale 15425
includes the transfer of the possession of the 1.4G fireworks from 15426
the licensed manufacturer or wholesaler to the purchaser of the 15427
fireworks. 15428

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 15429
properly permitted exhibition shall occur in accordance with the 15430
provisions of the Revised Code and rules adopted by the fire 15431
marshal under Chapter 119. of the Revised Code. Such rules shall 15432
specify, at a minimum, that the licensed exhibitor holds a license 15433
under section 3743.51 of the Revised Code, that the exhibitor 15434
possesses a valid exhibition permit issued in accordance with 15435
section 3743.54 of the Revised Code, and that the fireworks 15436
shipped are to be used at the specifically permitted exhibition. 15437

(B) All wholesale sales of fireworks by a licensed 15438
manufacturer or wholesaler shall only occur from a licensed 15439
premises to persons who intend to resell the fireworks purchased 15440
at wholesale. A wholesale sale by a licensed manufacturer or 15441
wholesaler may occur as follows: 15442

(1) The direct sale and shipment of fireworks to a person 15443
outside of this state; 15444

(2) From an approved retail sales showroom as described in 15445
this section; 15446

(3) From a representative sample showroom as described in 15447
this section; 15448

(4) By delivery of wholesale fireworks to a purchaser at a 15449
licensed premises outside of a structure or building on that 15450
premises. All other portions of the wholesale sales transaction 15451
may occur at any location on a licensed premises. 15452

(5) Any other method as described in rules adopted by the 15453
state fire marshal under Chapter 119. of the Revised Code. 15454

(C) A licensed manufacturer, or wholesaler, or exhibitor 15455
shall bring fireworks shall only sell 1.4G fireworks from a 15456
representative sample showroom or a retail sales showroom. Each 15457
licensed premises shall only contain one sales structure. 15458

A representative sample showroom shall consist of a structure 15459
constructed and maintained in accordance with the nonresidential 15460
building code adopted under Chapter 3781. of the Revised Code and 15461
the fire code adopted under section 3737.82 of the Revised Code 15462
for a use and occupancy group that permits mercantile sales. A 15463
representative sample showroom shall not contain any pyrotechnics, 15464
pyrotechnic materials, fireworks, explosives, explosive materials, 15465
or any similar hazardous materials or substances. A representative 15466
sample showroom shall be used only for the public viewing of 15467
fireworks product representations, including paper materials, 15468
packaging materials, catalogs, photographs, or other similar 15469
product depictions. The delivery of product to a purchaser of 15470
fireworks at a licensed premises that has a representative sample 15471
structure shall not occur inside any structure on a licensed 15472
premises. Such product delivery shall occur on the licensed 15473
premises in a manner prescribed by rules adopted by the fire 15474
marshal pursuant to Chapter 119. of the Revised Code. 15475

If a manufacturer or wholesaler elects to conduct sales from a retail sales showroom, the 15476
showroom structures, to which the 15477
public may have any access and in which employees are required to 15478
work, on all licensed premises, ~~into compliance~~ shall comply 15479
with the following safety requirements: 15480

(1) A fireworks showroom that is constructed or upon which 15481
expansion is undertaken on and after ~~the effective date of this~~ 15482
~~section~~ June 30, 1997, shall be equipped with interlinked fire 15483
detection, fire suppression, smoke exhaust, and smoke evacuation 15484
systems that are approved by the superintendent of the division of 15485
industrial compliance in the department of commerce. 15486

(2) A fireworks showroom that first begins to operate on or 15487
after ~~the effective date of this section~~ June 30, 1997, and to 15488
which the public has access for retail purposes shall not exceed 15489
five thousand square feet in floor area. 15490

(3) A newly constructed or an existing fireworks showroom 15491
structure that exists on the effective date of this ~~section~~ 15492
amendment, but that, on or after the effective date of this 15493
~~section~~ amendment, is altered or added to in a manner requiring 15494
the submission of plans, drawings, specifications, or data 15495
pursuant to section 3791.04 of the Revised Code, shall comply with 15496
a graphic floor plan layout that is approved by the fire marshal 15497
and superintendent of the division of industrial compliance 15498
showing width of aisles, parallel arrangement of aisles to exits, 15499
number of exits per wall, maximum occupancy load, evacuation plan 15500
for occupants, height of storage or display of merchandise, and 15501
other information as may be required by the fire marshal and 15502
superintendent. 15503

~~(4)(a) Except as provided in division (A)(4)(b) of this~~ 15504
~~section, a fireworks showroom structure that exists on the~~ 15505
~~effective date of this section shall be retrofitted on or before~~ 15506
~~June 1, 1998, with interlinked fire detection, smoke exhaust, and~~ 15507

~~smoke evacuation systems that are approved by the superintendent
of the division of industrial compliance.~~ 15508
15509

~~(b) If meeting the retrofitting requirements set forth in
division (A)(4)(a) of this section would constitute an extreme
financial hardship that would force a licensee to terminate
business operations, the licensee shall conduct sales only on the
basis of defused representative samples in closed and covered
displays within the fireworks showroom.~~ 15510
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~~(5) A fireworks showroom structure that exists on the
effective date of this section June 30, 1997, shall be in
compliance on or ~~before June 1, 1998~~ after June 30, 1997, with
floor plans showing occupancy load limits and internal circulation
and egress patterns that are approved by the fire marshal and
superintendent of industrial compliance, and that are submitted
under seal as required by section 3791.04 of the Revised Code.~~ 15516
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~~(B)(D) The safety requirements established in division (A)(C)
of this section are not subject to any variance, waiver, or
exclusion pursuant to this chapter or any applicable building
code.~~ 15524
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Sec. 3743.40. (A) Any person who resides in another state and
who intends to ship fireworks into this state shall submit to the
fire marshal an application for a shipping permit. As used in this
section, "fireworks" includes only 1.3G and 1.4G fireworks. The
application shall be submitted prior to shipping fireworks into
this state, shall be on a form prescribed by the fire marshal,
shall contain the information required by division (B) of this
section and all information requested by the fire marshal, and
shall be accompanied by the fee and the documentation described in
division (C) of this section. 15528
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The fire marshal shall prescribe a form for applications for 15538

shipping permits and make a copy of the form available, upon 15539
request, to persons who seek such a permit. 15540

(B) In an application for a shipping permit, the applicant 15541
shall specify the types of fireworks to be shipped into this 15542
state. 15543

(C) An application for a shipping permit shall be accompanied 15544
by a fee of two thousand seven hundred fifty dollars. 15545

An application for a shipping permit shall be accompanied by 15546
a certified copy or other copy acceptable to the fire marshal of 15547
the applicant's license or permit issued in the applicant's state 15548
of residence and authorizing the applicant to engage in the 15549
manufacture, wholesale sale, or transportation of fireworks in 15550
that state, if that state issues such a license or permit, and by 15551
a statement by the applicant that the applicant understands and 15552
will abide by rules adopted by the fire marshal pursuant to 15553
section 3743.58 of the Revised Code for transporting fireworks. 15554

(D) Except as otherwise provided in this division, and 15555
subject to section 3743.70 of the Revised Code, the fire marshal 15556
shall issue a shipping permit to an applicant only if the fire 15557
marshal determines that the applicant is a resident of another 15558
state and is the holder of a license or permit issued by that 15559
state authorizing it to engage in the manufacture, wholesale sale, 15560
or transportation of fireworks in that state, and the fire marshal 15561
is satisfied that the application and documentation are complete 15562
and in conformity with this section and that the applicant will 15563
transport fireworks into this state in accordance with rules 15564
adopted by the fire marshal pursuant to section 3743.58 of the 15565
Revised Code. The fire marshal shall issue a shipping permit to an 15566
applicant if the applicant meets all of the requirements of this 15567
section for the issuance of a shipping permit except that the 15568
applicant does not hold a license or permit issued by the state of 15569
residence authorizing the applicant to engage in the manufacture, 15570

wholesale sale, or transportation of fireworks in that state 15571
because that state does not issue such a license or permit. 15572

(E) Each permit issued pursuant to this section shall contain 15573
a distinct number assigned to the particular permit holder, and 15574
contain the information described in division (B) of this section. 15575

The fire marshal shall maintain a list of all persons issued 15576
shipping permits. In this list next to each person's name, the 15577
fire marshal shall insert the date upon which the permit was 15578
issued and the information described in division (B) of this 15579
section. 15580

(F) A shipping permit is valid for one year from the date of 15581
issuance by the fire marshal and only if the permit holder ships 15582
the fireworks directly into this state to the holder of a license 15583
issued under section 3743.03 or 3743.16 of the Revised Code or a 15584
license holder under section 3743.51 of the Revised Code who 15585
possesses a valid exhibition permit issued in accordance with 15586
section 3743.54 of the Revised Code and the fireworks shipped are 15587
to be used at the specifically permitted exhibition. The permit 15588
authorizes the permit holder to ship fireworks, as described in 15589
rules adopted by the fire marshal under Chapter 119. of the 15590
Revised Code, directly to the holder of a license issued under 15591
section 3743.03 or 3743.16 of the Revised Code, and to possess the 15592
fireworks in this state while the permit holder is in the course 15593
of shipping them directly into this state. 15594

The holder of a shipping permit shall have the permit in the 15595
holder's possession in this state at all times while in the course 15596
of shipping the fireworks directly into this state. A shipping 15597
permit is not transferable or assignable. 15598

Sec. 3743.44. (A) Any person who resides in another state and 15599
who intends to obtain possession in this state of fireworks 15600
purchased in this state shall obtain possession of the fireworks 15601

only from a licensed manufacturer or licensed wholesaler and only 15602
possess the fireworks in this state while in the course of 15603
directly transporting them out of this state. No licensed 15604
manufacturer or licensed wholesaler shall sell 1.3G fireworks to a 15605
person who resides in another state unless that person has been 15606
issued a license or permit in the state of the person's residence 15607
that authorizes the person to engage in the manufacture, wholesale 15608
sale, or retail sale of 1.3G fireworks or that authorizes the 15609
person to conduct 1.3G fireworks exhibitions in that state and 15610
that person presents a certified copy of the license. No licensed 15611
manufacturer or licensed wholesaler shall sell fireworks to a 15612
person who resides in another state unless that person has been 15613
issued a license or permit in the state of the person's residence 15614
that authorizes the person to engage in the manufacture, wholesale 15615
sale, or retail sale of fireworks in that state or that authorizes 15616
the person to conduct fireworks exhibitions in that state and that 15617
person presents a certified copy of the license, or, if that 15618
person does not possess a license or permit of that nature, only 15619
if the person presents a current valid motor vehicle operator's 15620
license issued to the person in the person's state of residence, 15621
or, if that person does not possess a motor vehicle operator's 15622
license issued in that state, an identification card issued to the 15623
person by a governmental agency in the person's state of residence 15624
indicating that the person is a resident of that state. If a 15625
person who is required to present a motor vehicle operator's 15626
license or other identification card intends to transport the 15627
fireworks purchased directly out of this state by a motor vehicle 15628
and the person will not also be the operator of that motor vehicle 15629
while so transporting the fireworks, the operator of the motor 15630
vehicle also shall present the operator's motor vehicle operator's 15631
license. 15632

(B) A licensed manufacturer or licensed wholesaler selling 15633
fireworks under this section shall require the purchaser to 15634

complete a purchaser's form. The fire marshal shall prescribe the 15635
form, and the licensed manufacturer or licensed wholesaler shall 15636
furnish the form. On this form the purchaser shall include the 15637
purchaser's name and address; the date of the purchase; ~~the~~ 15638
~~destination to which the fireworks will be transported~~ a statement 15639
that the purchaser acknowledges that the purchaser is responsible 15640
for any illegal use of the fireworks, including any damages caused 15641
by improper use; the number of the purchaser's license or permit 15642
authorizing the purchaser to manufacture, sell at wholesale, or 15643
sell at retail fireworks or to conduct fireworks exhibitions, or 15644
the number of the purchaser's motor vehicle operator's license or 15645
other identification card, as applicable; such other information 15646
as the fire marshal may require; and the purchaser's signature. 15647
Each purchaser's form shall contain a statement printed in bold 15648
letters indicating that knowingly making a false statement on the 15649
form is falsification under section 2921.13 of the Revised Code 15650
and is a misdemeanor of the first degree. 15651

Each licensed manufacturer and licensed wholesaler shall keep 15652
each purchaser's form for a period of three years after the date 15653
of the purchase, and such forms shall be open to inspection by the 15654
fire marshal or the fire marshal's designated authority. 15655

(C) Each purchaser of fireworks under this section shall 15656
transport the fireworks so purchased directly out of this state 15657
within ~~seventy-two~~ forty-eight hours after the time of their 15658
purchase. 15659

This section regulates wholesale sales and retail sales of 15660
fireworks in this state only insofar as purchasers of fireworks 15661
are residents of other states and will be obtaining possession in 15662
this state of purchased fireworks. This section does not prohibit 15663
licensed manufacturers or wholesalers from selling fireworks, in 15664
accordance with section 3743.04 or sections 3743.17 and 3743.25 of 15665
the Revised Code, to a resident of another state and from shipping 15666

the purchased fireworks directly out of this state to the 15667
purchaser. 15668

Sec. 3743.45. (A) Any person who resides in this state and 15669
who intends to obtain possession in this state of 1.4G fireworks 15670
purchased in this state shall obtain possession of the 1.4G 15671
fireworks only from a licensed manufacturer or licensed 15672
wholesaler. 15673

A licensed manufacturer or licensed wholesaler selling 1.4G 15674
fireworks under this division shall require the purchaser to 15675
complete a purchaser's form, which shall be prescribed by the 15676
state fire marshal and furnished by the licensed manufacturer or 15677
licensed wholesaler. On this form the purchaser shall include the 15678
purchaser's name and address⁷ⁱ; the date of the purchase,~~the~~ 15679
~~destination to which the fireworks will be transported⁷ⁱ;~~ a 15680
statement that the purchaser acknowledges that the purchaser is 15681
responsible for any illegal use of the fireworks, including any 15682
damages caused by improper use; such other information as the fire 15683
marshal may require⁷ⁱ; and the purchaser's signature. Each 15684
purchaser's form shall contain a statement printed in bold letters 15685
indicating that knowingly making a false statement on the form is 15686
falsification under section 2921.13 of the Revised Code and is a 15687
misdemeanor of the first degree. 15688

Each licensed manufacturer and licensed wholesaler shall keep 15689
each purchaser's form for a period of three years after the date 15690
of the purchase, and such forms shall be open to inspection by the 15691
fire marshal or the fire marshal's designated authority. 15692

Each purchaser of 1.4G fireworks under this division shall 15693
transport the fireworks so purchased directly out of this state 15694
within forty-eight hours after the time of their purchase. 15695

This division does not apply to a person who resides in this 15696
state and who is also a licensed manufacturer, licensed 15697

wholesaler, or licensed exhibitor of fireworks in this state. 15698

(B) No licensed manufacturer or licensed wholesaler shall 15699
sell 1.3G fireworks to a person who resides in this state unless 15700
that person is a licensed manufacturer, licensed wholesaler, or 15701
licensed exhibitor of fireworks in this state. 15702

Sec. 3743.54. (A) A licensed exhibitor of fireworks may 15703
acquire fireworks for use at a public fireworks exhibition only 15704
from a licensed manufacturer of fireworks or licensed wholesaler 15705
of fireworks, and only in accordance with the procedures specified 15706
in this section and section 3743.55 of the Revised Code. ~~A~~ 15707
~~licensed exhibitor shall not acquire, for any purpose, 1.4G~~ 15708
~~fireworks as designated by the fire marshal in rules adopted~~ 15709
~~pursuant to division (A) of section 3743.05 of the Revised Code.~~ 15710

(B)(1) A licensed exhibitor of fireworks who wishes to 15711
conduct a public fireworks exhibition shall apply for approval to 15712
conduct the exhibition to whichever of the following persons is 15713
appropriate under the circumstances: 15714

(a) Unless division (B)(1)(c) or (d) of this section applies, 15715
if the exhibition will take place in a municipal corporation, the 15716
approval shall be obtained from the fire chief, and from the 15717
police chief or other similar chief law enforcement officer, or 15718
the designee of the police chief or similar chief law enforcement 15719
officer, of the particular municipal corporation. 15720

(b) Unless division (B)(1)(c) or (d) of this section applies, 15721
if the exhibition will take place in an unincorporated area, the 15722
approval shall be obtained from the fire chief of the particular 15723
township or township fire district, and from the police chief or 15724
other similar chief law enforcement officer, or the designee of 15725
the police chief or similar chief law enforcement officer, of the 15726
particular township or township police district. 15727

(c) If fire protection services for the premises on which the exhibition will take place are provided in accordance with a contract between political subdivisions, the approval shall be obtained from the fire chief of the political subdivision providing the fire protection services and from the police chief or other similar chief law enforcement officer, or the designee of the police chief or similar chief law enforcement officer, of the political subdivision in which the premises on which the exhibition will take place are located. If police services for the premises on which the exhibition will take place are provided in accordance with a contract between political subdivisions, the approval shall be obtained from the police chief or other similar chief law enforcement officer, or the designee of the police chief or similar chief law enforcement officer, of the political subdivision providing the police services and from the fire chief of the political subdivision in which the premises on which the exhibition will take place are located. If both fire and police protection services for the premises on which the exhibition will take place are provided in accordance with a contract between political subdivisions, the approval shall be obtained from the fire chief, and from the police chief or other similar chief law enforcement officer, or the designee of the police chief or similar chief law enforcement officer, of the political subdivisions providing the police and fire protection services.

(d) If there is no municipal corporation, township, or township fire district fire department, no municipal corporation, township, or township police district police department, and no contract for police or fire protection services between political subdivisions covering the premises on which the exhibition will take place, the approval shall be obtained from the fire prevention officer, and from the police chief or other similar chief law enforcement officer, or the designee of the police chief or other similar chief law enforcement officer, having

jurisdiction over the premises. 15761

(2) The approval required by division (B)(1) of this section 15762
shall be evidenced by the fire chief or fire prevention officer 15763
and by the police chief or other similar chief law enforcement 15764
officer, or the designee of the police chief or other similar 15765
chief law enforcement officer, signing a permit for the 15766
exhibition. The fire marshal shall prescribe the form of 15767
exhibition permits and distribute copies of the form to fire 15768
chiefs, to fire prevention officers, and to police chiefs or other 15769
similar chief law enforcement officers of municipal corporations, 15770
townships, or township police districts, or their designees, in 15771
this state. Any exhibitor of fireworks who wishes to conduct a 15772
public fireworks exhibition may obtain a copy of the form from the 15773
fire marshal or, if it is available, from a fire chief, a fire 15774
prevention officer, a police chief or other similar chief law 15775
enforcement officer of a municipal corporation, township, or 15776
township police district, or a designee of such a police chief or 15777
other similar chief law enforcement officer. 15778

(C) Before a permit is signed and issued to a licensed 15779
exhibitor of fireworks, the fire chief or fire prevention officer, 15780
in consultation with the police chief or other similar chief law 15781
enforcement officer or with the designee of the police chief or 15782
other similar chief law enforcement officer, shall inspect the 15783
premises on which the exhibition will take place and shall 15784
determine that, in fact, the applicant for the permit is a 15785
licensed exhibitor of fireworks. Each applicant shall show the 15786
applicant's license as an exhibitor of fireworks to the fire chief 15787
or fire prevention officer. 15788

The fire chief or fire prevention officer, and the police 15789
chief or other similar chief law enforcement officer, or the 15790
designee of the police chief or other similar chief law 15791
enforcement officer, shall give approval to conduct a public 15792

fireworks exhibition only if satisfied, based on the inspection, 15793
that the premises on which the exhibition will be conducted allow 15794
the exhibitor to comply with the rules adopted by the fire marshal 15795
pursuant to divisions (B) and (E) of section 3743.53 of the 15796
Revised Code and that the applicant is, in fact, a licensed 15797
exhibitor of fireworks. The fire chief or fire prevention officer, 15798
in consultation with the police chief or other similar chief law 15799
enforcement officer or with the designee of the police chief or 15800
other similar chief law enforcement officer, may inspect the 15801
premises immediately prior to the exhibition to determine if the 15802
exhibitor has complied with the rules, and may revoke a permit for 15803
noncompliance with the rules. 15804

(D) If the legislative authorities of their political 15805
subdivisions have prescribed a fee for the issuance of a permit 15806
for a public fireworks exhibition, fire chiefs or fire prevention 15807
officers, and police chiefs, other similar chief law enforcement 15808
officers, or their designee, shall not issue a permit until the 15809
exhibitor pays the requisite fee. 15810

Each exhibitor shall provide an indemnity bond in the amount 15811
of at least one million dollars, with surety satisfactory to the 15812
fire chief or fire prevention officer and to the police chief or 15813
other similar chief law enforcement officer, or the designee of 15814
the police chief or other similar chief law enforcement officer, 15815
conditioned for the payment of all final judgments that may be 15816
rendered against the exhibitor on account of injury, death, or 15817
loss to persons or property emanating from the fireworks 15818
exhibition, or proof of insurance coverage of at least one million 15819
dollars for liability arising from injury, death, or loss to 15820
persons or property emanating from the fireworks exhibition. The 15821
legislative authority of a political subdivision in which a public 15822
fireworks exhibition will take place may require the exhibitor to 15823
provide an indemnity bond or proof of insurance coverage in 15824

amounts greater than those required by this division. Fire chiefs 15825
or fire prevention officers, and police chiefs, other similar 15826
chief law enforcement officers, or their designee, shall not issue 15827
a permit until the exhibitor provides the bond or proof of the 15828
insurance coverage required by this division or by the political 15829
subdivision in which the fireworks exhibition will take place. 15830

(E)(1) Each permit for a fireworks exhibition issued by a 15831
fire chief or fire prevention officer, and by the police chief or 15832
other similar chief law enforcement officer, or the designee of 15833
the police chief or other similar chief law enforcement officer, 15834
shall contain a distinct number, designate the municipal 15835
corporation, township, or township fire or police district of the 15836
fire chief, fire prevention officer, police chief or other similar 15837
chief law enforcement officer, or designee of the police chief or 15838
other similar chief law enforcement officer, and identify the 15839
certified fire safety inspector, fire chief, or fire prevention 15840
officer who will be present before, during, and after the 15841
exhibition, where appropriate. A copy of each permit issued shall 15842
be forwarded by the fire chief or fire prevention officer, and by 15843
the police chief or other similar chief law enforcement officer, 15844
or the designee of the police chief or other similar chief law 15845
enforcement officer, issuing it to the fire marshal, who shall 15846
keep a record of the permits received. A permit is not 15847
transferable or assignable. 15848

(2) Each fire chief, fire prevention officer, police chief or 15849
other similar chief law enforcement officer, and designee of a 15850
police chief or other similar chief law enforcement officer shall 15851
keep a record of issued permits for fireworks exhibitions. In this 15852
list, the fire chief, fire prevention officer, police chief or 15853
other similar chief law enforcement officer, and designee of a 15854
police chief or other similar chief law enforcement officer shall 15855
list the name of the exhibitor, the exhibitor's license number, 15856

the premises on which the exhibition will be conducted, the date 15857
and time of the exhibition, and the number and political 15858
subdivision designation of the permit issued to the exhibitor for 15859
the exhibition. 15860

(F) The governing authority having jurisdiction in the 15861
location where an exhibition is to take place shall require that a 15862
certified fire safety inspector, fire chief, or fire prevention 15863
officer be present before, during, and after the exhibition, and 15864
shall require the certified fire safety inspector, fire chief, or 15865
fire prevention officer to inspect the premises where the 15866
exhibition is to take place and determine whether the exhibition 15867
is in compliance with this chapter. 15868

(G) Notwithstanding any provision of the Revised Code to the 15869
contrary, the state fire marshal is hereby authorized to create 15870
additional license categories for fireworks exhibitors and to 15871
create additional permit requirements for fireworks exhibitions 15872
for the indoor use of fireworks and other uses of pyrotechnics, 15873
including the use of pyrotechnic materials that do not meet the 15874
definition of fireworks as described in section 3743.01 of the 15875
Revised Code. Such licenses and permits and the fees for such 15876
licenses and permits shall be described in rules adopted by the 15877
fire marshal under Chapter 119. of the Revised Code. Such rules 15878
may provide for different standards for exhibitor licensure and 15879
the permitting and conducting of a fireworks exhibition than the 15880
requirements of this chapter. 15881

Prior to the state fire marshal's adoption of the rules 15882
described in this division, the director of commerce shall appoint 15883
a committee consisting of the state fire marshal or the marshal's 15884
designee, three representatives of the fireworks industry, and 15885
three representatives of the fire service to assist the state fire 15886
marshal in adopting these rules. Unless an extension is granted by 15887
the director of commerce, the state fire marshal shall adopt 15888

initial rules under this section not later than July 1, 2010. 15889

Sec. 3743.56. Each fireworks exhibitor licensed under section 15890
3743.51 of the Revised Code shall register annually with the fire 15891
marshal all employees who assist the licensed exhibitor in 15892
conducting fireworks exhibitions. Once registered, such an 15893
employee may be employed by any other licensed fireworks 15894
exhibitor, without the need for that other licensed exhibitor to 15895
register the employee with the fire marshal. The fire marshal 15896
shall maintain a record of licensed exhibitors and registered 15897
employees and make it available, upon request, to any law 15898
enforcement agency. 15899

The fire marshal shall adopt rules under Chapter 119. of the 15900
Revised Code that establish appropriate fees for the registration 15901
of employees of licensed exhibitors and otherwise implement this 15902
section. 15903

In addition to the annual registration of employees required 15904
by this section, a licensed exhibitor shall file an application to 15905
register a new employee, unless the new employee is already 15906
registered under this section, not later than seven days after the 15907
date on which the employee is hired. 15908

Each applicant for registration under this section shall 15909
provide fingerprint or similar identifying information to the fire 15910
marshal for the purposes of determining applicant compliance with 15911
section 3743.70 of the Revised Code. The fire marshal may adopt 15912
rules under Chapter 119. of the Revised Code specifying the method 15913
to be used by the applicant to provide the fingerprint or similar 15914
identifying information, fees to be assessed by the fire marshal 15915
to conduct such background checks, and the procedures to be used 15916
by the fire marshal to verify compliance with this section. Such 15917
rules may include provisions establishing the frequency that 15918
license renewal applicants must update background check 15919

information filed by the applicant with previous license 15920
applications and provisions describing alternative forms of 15921
background check information that may be accepted by the fire 15922
marshal to verify compliance with this section. 15923

Sec. 3743.65. (A) No person shall possess fireworks in this 15924
state or shall possess for sale or sell fireworks in this state, 15925
except a licensed manufacturer of fireworks as authorized by 15926
sections 3743.02 to 3743.08 of the Revised Code, a licensed 15927
wholesaler of fireworks as authorized by sections 3743.15 to 15928
3743.21 of the Revised Code, a shipping permit holder as 15929
authorized by section 3743.40 of the Revised Code, an out-of-state 15930
resident as authorized by section 3743.44 of the Revised Code, a 15931
resident of this state as authorized by section 3743.45 of the 15932
Revised Code, or a licensed exhibitor of fireworks as authorized 15933
by sections 3743.50 to 3743.55 of the Revised Code, and except as 15934
provided in section 3743.80 of the Revised Code. 15935

(B) Except as provided in section 3743.80 of the Revised Code 15936
and except for licensed exhibitors of fireworks authorized to 15937
conduct a fireworks exhibition pursuant to sections 3743.50 to 15938
3743.55 of the Revised Code, no person shall discharge, ignite, or 15939
explode any fireworks in this state. 15940

(C) No person shall use in a theater or public hall, what is 15941
technically known as fireworks showers, or a mixture containing 15942
potassium chlorate and sulphur. 15943

(D) No person shall sell fireworks of any kind to a person 15944
under eighteen years of age. No person under eighteen years of age 15945
shall enter a fireworks sales showroom unless that person is 15946
accompanied by a parent, legal guardian, or other responsible 15947
adult. No person under eighteen years of age shall touch or 15948
possess fireworks on a licensed premises without the consent of 15949
the licensee. A licensee may eject any person from a licensed 15950

premises that is in any way disruptive to the safe operation of 15951
the premises. 15952

~~(E) No person shall advertise 1.4G fireworks for sale. A sign~~ 15953
~~located on a seller's premises identifying the seller as a seller~~ 15954
~~of fireworks is not the advertising of fireworks for sale.~~ 15955

~~(F)~~ No person, other than a licensed manufacturer, licensed 15956
wholesaler, licensed exhibitor, or shipping permit holder, shall 15957
possess 1.3G fireworks in this state. 15958

~~(G)~~(F) Except as otherwise provided in division (J) of 15959
section 3743.06 and division (K) of section 3743.19 of the Revised 15960
Code, no person shall knowingly disable a fire suppression system 15961
as defined in section 3781.108 of the Revised Code on the premises 15962
of a fireworks plant of a licensed manufacturer of fireworks or on 15963
the premises of the business operations of a licensed wholesaler 15964
of fireworks. 15965

Sec. 3743.70. The fire marshal shall not issue an initial or 15966
a renewal of a license or, permit, or registration under this 15967
chapter on or after ~~the effective date of this section~~ June 30, 15968
1997, if the applicant for the license or permit, or any 15969
individual holding, owning, or controlling a five per cent or 15970
greater beneficial or equity interest in the applicant for the 15971
license or permit, has been convicted of or pleaded guilty to a 15972
felony under the laws of this state, another state, or the United 15973
States. The fire marshal shall revoke or deny renewal of a license 15974
or permit first issued under this chapter on or after ~~the~~ 15975
~~effective date of this section~~ June 30, 1997, if the holder of the 15976
license or permit, or any individual holding, owning, or 15977
controlling a five per cent or greater beneficial or equity 15978
interest in the holder of the license or permit, is convicted of 15979
or pleads guilty to a felony under the laws of this state, another 15980
state, or the United States. 15981

The state fire marshal may adopt rules under Chapter 119. of 15982
the Revised Code specifying the method to be used by the 15983
applicants subject to this section to provide the fingerprint or 15984
similar identifying information, fees to be assessed by the fire 15985
marshal to conduct such background checks, and the procedures to 15986
be used by the state fire marshal to verify compliance with this 15987
section. Such rules may include provisions establishing rules for 15988
conducting background checks and prohibiting licensure, permitting 15989
or registration under this chapter for persons convicted of a 15990
felony or similar offense in another country, the frequency that 15991
license renewal applicants must update background check 15992
information filed by the applicant with previous license 15993
applications, provisions describing alternative forms of 15994
background check information that may be accepted by the fire 15995
marshal to verify compliance with this section, and provisions 15996
that permit the state fire marshal to waive the applicability of 15997
this section if the applicant produces verified documentation that 15998
demonstrates that this state, another state, the United States, or 15999
another country has determined that applicant is appropriate for 16000
licensure, permitting, or registration under this chapter. 16001

Sec. 3743.99. (A) Whoever violates division (A) or (B) of 16002
section 3743.60 or division (H) of section 3743.64 of the Revised 16003
Code is guilty of a felony of the third degree. 16004

(B) Whoever violates division (C) or (D) of section 3743.60, 16005
division (A), (B), (C), or (D) of section 3743.61, or division (A) 16006
or (B) of section 3743.64 of the Revised Code is guilty of a 16007
felony of the fourth degree. 16008

(C) Whoever violates division (E), (F), (G), (H), (I), or (J) 16009
of section 3743.60, division (E), (F), (G), (H), (I), or (J) of 16010
section 3743.61, section 3743.63, division (D), (E), (F), or (G) 16011
of section 3743.64, division (A), (B), (C), (D), or ~~(F)~~(E) of 16012

section 3743.65, or section 3743.66 of the Revised Code is guilty 16013
of a misdemeanor of the first degree. If the offender previously 16014
has been convicted of or pleaded guilty to a violation of division 16015
(I) of section 3743.60 or 3743.61 of the Revised Code, a violation 16016
of either of these divisions is a felony of the fifth degree. 16017

(D) Whoever violates division (C) of section 3743.64 of the 16018
Revised Code is guilty of a misdemeanor of the first degree. In 16019
addition to any other penalties that may be imposed on a licensed 16020
exhibitor of fireworks under this division and unless the third 16021
sentence of this division applies, the person's license as an 16022
exhibitor of fireworks or as an assistant exhibitor of fireworks 16023
shall be suspended, and the person is ineligible to apply for 16024
either type of license, for a period of five years. If the 16025
violation of division (C) of section 3743.64 of the Revised Code 16026
results in serious physical harm to persons or serious physical 16027
harm to property, the person's license as an exhibitor of 16028
fireworks or as an assistant exhibitor of fireworks shall be 16029
revoked, and that person is ineligible to apply for a license as 16030
or to be licensed as an exhibitor of fireworks or as an assistant 16031
exhibitor of fireworks in this state. 16032

(E) Whoever violates division ~~(G)~~(F) of section 3743.65 of 16033
the Revised Code is guilty of a felony of the fifth degree. 16034

Sec. 3901.3814. Sections 3901.38 and 3901.381 to 3901.3813 of 16035
the Revised Code do not apply to the following: 16036

(A) Policies offering coverage that is regulated under 16037
Chapters 3935. and 3937. of the Revised Code; 16038

(B) An employer's self-insurance plan and any of its 16039
administrators, as defined in section 3959.01 of the Revised Code, 16040
to the extent that federal law supersedes, preempts, prohibits, or 16041
otherwise precludes the application of any provisions of those 16042
sections to the plan and its administrators; 16043

(C) A third-party payer for coverage provided under the medicare advantage program operated under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;

(D) A third-party payer for coverage provided under the medicaid program operated under Title XIX of the "Social Security Act," except that if a federal waiver applied for under section 5111.178 of the Revised Code is granted or the director of job and family services determines that this provision can be implemented without a waiver, sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code apply to claims submitted electronically or non-electronically that are made with respect to coverage of medicaid recipients by health insuring corporations licensed under Chapter 1751. of the Revised Code, instead of the prompt payment requirements of 42 C.F.R. 447.46;

(E) A third-party payer for coverage provided under the tricare program offered by the United States department of defense.

(F) A third-party payer for coverage provided under the children's buy-in program established under sections 5101.5211 to 5101.5216 of the Revised Code.

Sec. 3905.40. There shall be paid to the superintendent of insurance the following fees:

(A) Each insurance company doing business in this state shall pay:

(1) For filing a copy of its charter or deed of settlement, two hundred fifty dollars;

(2) For filing each statement, one hundred seventy-five dollars;

(3) For each certificate of authority or license, one hundred

seventy-five, and for each certified copy thereof, five dollars;	16074
(4) For each copy of a paper filed in the superintendent's office, twenty cents per page;	16075 16076
(5) For issuing certificates of deposits or certified copies thereof, five dollars for the first certificate or copy and one dollar for each additional certificate or copy;	16077 16078 16079
(6) For issuing certificates of compliance or certified copies thereof, sixty dollars;	16080 16081
(7) For affixing the seal of office and certifying documents, other than those enumerated herein, two dollars.	16082 16083
(B) Each domestic life insurance company doing business in this state shall pay for annual valuation of its policies, one cent on every one thousand dollars of insurance.	16084 16085 16086
(C) Each applicant for licensure as an <u>individual</u> insurance agent except applicants for licensure as limited lines insurance agents and surplus line brokers shall pay ten dollars before admission to any examination required by the superintendent. Such fee shall not be paid by the appointing insurance company for each <u>line of authority requested. Fees collected under this division shall be credited to the department of insurance operating fund created in section 3901.021 of the Revised Code.</u>	16087 16088 16089 16090 16091 16092 16093 16094
(D) Each domestic mutual life insurance company shall pay for verifying that any amendment to its articles of incorporation was regularly adopted, two hundred fifty dollars with each application for verification. Any such amendment shall be considered to have been regularly adopted when approved by the affirmative vote of two-thirds of the policyholders present in person or by proxy at any annual meeting of policyholders or at a special meeting of policyholders called for that purpose.	16095 16096 16097 16098 16099 16100 16101 16102
Sec. 3923.281. (A) As used in this section:	16103

(1) "Biologically based mental illness" means schizophrenia, 161104
schizoaffective disorder, major depressive disorder, bipolar 161105
disorder, paranoia and other psychotic disorders, 161106
obsessive-compulsive disorder, and panic disorder, as these terms 161107
are defined in the most recent edition of the diagnostic and 161108
statistical manual of mental disorders published by the American 161109
psychiatric association. 161110

(2) "Policy of sickness and accident insurance" has the same 161111
meaning as in section 3923.01 of the Revised Code, but excludes 161112
any hospital indemnity, medicare supplement, long-term care, 161113
disability income, one-time-limited-duration policy of not longer 161114
than six months, supplemental benefit, or other policy that 161115
provides coverage for specific diseases or accidents only; any 161116
policy that provides coverage for workers' compensation claims 161117
compensable pursuant to Chapters 4121. and 4123. of the Revised 161118
Code; ~~and~~ any policy that provides coverage to beneficiaries 161119
enrolled in Title XIX of the "Social Security Act," 49 Stat. 620 161120
(1935), 42 U.S.C.A. 301, as amended, known as the medical 161121
assistance program or medicaid, as provided by the Ohio department 161122
of job and family services under Chapter 5111. of the Revised 161123
Code; and any policy that provides coverage to beneficiaries 161124
enrolled in the children's buy-in program established under 161125
sections 5101.5211 to 5101.5216 of the Revised Code. 161126

(B) Notwithstanding section 3901.71 of the Revised Code, and 161127
subject to division (E) of this section, every policy of sickness 161128
and accident insurance shall provide benefits for the diagnosis 161129
and treatment of biologically based mental illnesses on the same 161130
terms and conditions as, and shall provide benefits no less 161131
extensive than, those provided under the policy of sickness and 161132
accident insurance for the treatment and diagnosis of all other 161133
physical diseases and disorders, if both of the following apply: 161134
161135

(1) The biologically based mental illness is clinically 16136
diagnosed by a physician authorized under Chapter 4731. of the 16137
Revised Code to practice medicine and surgery or osteopathic 16138
medicine and surgery; a psychologist licensed under Chapter 4732. 16139
of the Revised Code; a professional clinical counselor, 16140
professional counselor, or independent social worker licensed 16141
under Chapter 4757. of the Revised Code; or a clinical nurse 16142
specialist licensed under Chapter 4723. of the Revised Code whose 16143
nursing specialty is mental health. 16144

(2) The prescribed treatment is not experimental or 16145
investigational, having proven its clinical effectiveness in 16146
accordance with generally accepted medical standards. 16147

(C) Division (B) of this section applies to all coverages and 16148
terms and conditions of the policy of sickness and accident 16149
insurance, including, but not limited to, coverage of inpatient 16150
hospital services, outpatient services, and medication; maximum 16151
lifetime benefits; copayments; and individual and family 16152
deductibles. 16153

(D) Nothing in this section shall be construed as prohibiting 16154
a sickness and accident insurance company from taking any of the 16155
following actions: 16156

(1) Negotiating separately with mental health care providers 16157
with regard to reimbursement rates and the delivery of health care 16158
services; 16159

(2) Offering policies that provide benefits solely for the 16160
diagnosis and treatment of biologically based mental illnesses; 16161

(3) Managing the provision of benefits for the diagnosis or 16162
treatment of biologically based mental illnesses through the use 16163
of pre-admission screening, by requiring beneficiaries to obtain 16164
authorization prior to treatment, or through the use of any other 16165
mechanism designed to limit coverage to that treatment determined 16166

to be necessary; 16167

(4) Enforcing the terms and conditions of a policy of 16168
sickness and accident insurance. 16169

(E) An insurer that offers any policy of sickness and 16170
accident insurance is not required to provide benefits for the 16171
diagnosis and treatment of biologically based mental illnesses 16172
pursuant to division (B) of this section if all of the following 16173
apply: 16174

(1) The insurer submits documentation certified by an 16175
independent member of the American academy of actuaries to the 16176
superintendent of insurance showing that incurred claims for 16177
diagnostic and treatment services for biologically based mental 16178
illnesses for a period of at least six months independently caused 16179
the insurer's costs for claims and administrative expenses for the 16180
coverage of all other physical diseases and disorders to increase 16181
by more than one per cent per year. 16182

(2) The insurer submits a signed letter from an independent 16183
member of the American academy of actuaries to the superintendent 16184
of insurance opining that the increase described in division 16185
(E)(1) of this section could reasonably justify an increase of 16186
more than one per cent in the annual premiums or rates charged by 16187
the insurer for the coverage of all other physical diseases and 16188
disorders. 16189

(3) The superintendent of insurance makes the following 16190
determinations from the documentation and opinion submitted 16191
pursuant to divisions (E)(1) and (2) of this section: 16192

(a) Incurred claims for diagnostic and treatment services for 16193
biologically based mental illnesses for a period of at least six 16194
months independently caused the insurer's costs for claims and 16195
administrative expenses for the coverage of all other physical 16196
diseases and disorders to increase by more than one per cent per 16197

year. 16198

(b) The increase in costs reasonably justifies an increase of 16199
more than one per cent in the annual premiums or rates charged by 16200
the insurer for the coverage of all other physical diseases and 16201
disorders. 16202

Any determination made by the superintendent under this 16203
division is subject to Chapter 119. of the Revised Code. 16204

Sec. 3923.443. (A)(1) No agent shall sell, solicit, or 16205
negotiate long-term care insurance on or after September 1, 2008, 16206
without completing an initial eight-hour partnership program 16207
training course as described in division (B) of this section. 16208

(2)(a) Any agent that sells, solicits, or negotiates any 16209
long-term care insurance shall complete at least four hours of 16210
continuing education in every twenty-four-month period commencing 16211
on the first day of January of the year immediately following the 16212
year of the issuance of the agent's license. 16213

(b) No agent shall fail to complete the continuing education 16214
requirements in division (A)(2)(a) of this section in the 16215
twenty-four-month period described in that division. 16216

(B) The initial training course and continuing education 16217
required under division (A) of this section may be approved by the 16218
superintendent of insurance as continuing education courses under 16219
sections 3905.481 to 3905.486 of the Revised Code and shall 16220
consist of combined topics related to long-term care insurance, 16221
long-term care services, and state long-term care insurance 16222
partnership programs, including all of the following: 16223

(1) State and federal regulations and requirements and the 16224
relationship between state long-term care insurance partnership 16225
programs and other public and private coverage of long-term care 16226
services, including medicaid; 16227

(2) Available long-term care services and providers;	16228
(3) Changes or improvements in long-term care services or providers;	16229 16230
(4) Alternatives to the purchase of private long-term care insurance;	16231 16232
(5) The effect of inflation on benefits and the importance of inflation protection;	16233 16234
(6) Consumer suitability standards and guidelines;	16235
(7) Any other topics required by the superintendent.	16236
(C) The initial training and continuing education required by division (A) of this section shall not include training that is specific to a particular insurer or company product or that includes any sales or marketing information, materials, or training other than those required by state or federal law.	16237 16238 16239 16240 16241
(D) <u>Am A resident agent shall satisfy the training and continuing education required by division (A) of this section by completing long-term care courses that are approved by the superintendent. A nonresident agent may complete satisfy the training and continuing education required by division (A) of this section by completing partnership program the training requirements in any other state, provided that the course is approved for credit by the superintendent insurance department of that state prior to the agent taking the course.</u>	16242 16243 16244 16245 16246 16247 16248 16249 16250
(E) Each insurer shall maintain <u>obtain</u> records of the initial training and continuing education completed by agents of that insurer pursuant to division (A) of this section as well as the training completed by the insurer's agents concerning the distribution of the insurer's partnership program policies and shall make those records available to the superintendent upon request.	16251 16252 16253 16254 16255 16256 16257

(F) ~~The superintendent shall certify to the director of job and family services that the superintendent has verified that all agents selling, soliciting, or negotiating long term care insurance in Ohio have completed the training and continuing education required by division (A) of this section including training concerning~~ Each insurer shall maintain records with respect to the training of its agents concerning the distribution of the insurer's partnership program policies. Each insurer shall provide documentation to the superintendent that will allow the superintendent to provide assurance to the director of job and family services that agents have received the training required by this section and that agents have demonstrated an understanding of the partnership program policies and their relationship to public and private coverage of long-term care in this state, including medicaid. The superintendent may audit each insurer's records annually to verify that the insurer is maintaining the records required by this division. The superintendent shall make the records provided to the superintendent pursuant to division (E) of this section available to the director.

Sec. 3925.101. With the approval of the superintendent of insurance, sections 3925.06 to 3925.09 and 3925.20 of the Revised Code shall not apply to a domestic insurance company that qualifies as a foreign country branch of a United States company that writes policies exclusively in countries other than the United States if those other countries have laws pertaining to insurance company investments and the foreign country branch is required to comply with those laws.

Sec. 3961.04. (A) A discount medical plan organization or marketer shall disclose all of the following information in writing in not less than twelve-point type on the first content page of any advertisements, marketing materials, or brochures made

available to the public relating to a discount medical plan and	16289
with any enrollment forms:	16290
(1) A statement that the discount medical plan is not	16291
insurance;	16292
(2) A statement that the range of discounts for medical	16293
services offered under the discount medical plan will vary	16294
depending on the type of provider and medical services;	16295
(3) A statement that the discount medical plan is prohibited	16296
from making members' payments to providers for medical services	16297
received under the discount medical plan;	16298
(4) A statement that the member is obligated to pay for all	16299
discounted medical services received under the discount medical	16300
plan;	16301
(5) The discount medical plan organization's toll-free	16302
telephone number and internet web site address that a member or	16303
prospective member may use to obtain additional information about	16304
and assistance with the discount medical plan and up-to-date lists	16305
of providers participating in the discount medical plan.	16306
(B) If a discount medical plan organization's or marketer's	16307
initial contact with a prospective member is by telephone, the	16308
organization or marketer shall disclose all of the information	16309
listed in division (A) of this section orally in addition to	16310
including such disclosures in the initial written materials	16311
provided to the prospective or new member.	16312
(C) In addition to the disclosures required under division	16313
(A) of this section, a discount medical plan organization shall	16314
provide to each prospective member, at the time of enrollment, a	16315
copy of the terms and conditions of the discount medical plan,	16316
including any limitations or restrictions on the refund of any	16317
processing fees or periodic charges associated with the discount	16318

medical plan. A discount medical plan organization also shall 16319
provide each new member a written document containing the terms 16320
and conditions of the discount medical plan and including all of 16321
the following: 16322

- (1) Name of the member; 16323
- (2) Benefits provided under the discount medical plan; 16324
- (3) Any processing fees and periodic charges associated with 16325
the discount medical plan, including, but not limited to, if 16326
applicable, the procedures for changing the mode of payment and 16327
any accompanying additional charges; 16328
- (4) Any limitations, exclusions, or exceptions regarding the 16329
receipt of discount medical plan benefits; 16330
- (5) Any waiting periods for certain medical services under 16331
the discount medical plan; 16332
- (6) Procedures for obtaining discounts under the discount 16333
medical plan, such as requiring members to contact the discount 16334
medical plan organization to request that the organization make an 16335
appointment with a provider on the member's behalf; 16336
- (7) Cancellation and refund rights described in section 16337
3961.06 of the Revised Code; 16338
- (8) Membership renewal, termination, and cancellation terms 16339
and conditions; 16340
- (9) Procedures for adding new family members to the discount 16341
medical plan; 16342
- (10) Procedures for filing complaints under the discount 16343
medical plan organization's complaint system and a statement 16344
explaining that, if the member remains dissatisfied after 16345
completing the organization's complaint system, the member may 16346
contact the department of insurance; 16347
- (11) Name, mailing address, and toll-free telephone number of 16348

the discount medical plan organization that a member may use to 16349
make inquiries about the discount medical plan, send cancellation 16350
notices, and file complaints. 16351

(D) A discount medical plan organization shall maintain on an 16352
internet web site page an up-to-date list of the names and 16353
addresses of the providers with which the organization has 16354
contracted directly or indirectly through a provider network. The 16355
organization's internet web site address shall be prominently 16356
displayed on all of the organization's advertisements, marketing 16357
materials, brochures, and discount medical plan cards. 16358

(E) When a discount medical plan organization or marketer 16359
sells a discount medical plan together with any other product, the 16360
organization or marketer shall do either of the following: 16361

(1) Provide the charges for each discount medical plan in 16362
writing to the member; 16363

(2) Reimburse the member for all periodic charges for the 16364
discount medical plan and all periodic charges for any other 16365
product if the member cancels ~~his or her~~ membership in accordance 16366
with division (B) of section ~~3901.06~~ 3961.06 of the Revised Code. 16367

Sec. 4112.12. (A) There is hereby created the commission on 16368
African-American males, which shall consist of not more than 16369
~~twenty-three~~ twenty-five members as follows: the directors or 16370
their designees of the departments of health, development, alcohol 16371
and drug addiction services, and job and family services; the 16372
equal employment opportunity officer of the department of 16373
administrative services or the equal employment opportunity 16374
officer's designee; the executive director or the executive 16375
director's designee of the Ohio civil rights commission; the 16376
executive director or the executive director's designee of the 16377
division of criminal justice services in the department of public 16378
safety; the superintendent of public instruction; the chancellor 16379

or the chancellor's designee of the Ohio board of regents; two 16380
members of the house of representatives appointed by the speaker 16381
of the house of representatives each of whom shall be members of 16382
different political parties; and two members of the senate 16383
appointed by the president of the senate each of whom shall be 16384
members of different political parties. The members who are 16385
members of the general assembly shall be nonvoting members. The 16386
Ohio state university African American and African studies 16387
community extension center, in consultation with the governor, 16388
shall appoint ~~two~~ four members from the private corporate sector, 16389
at least four members from the public sector, and two members from 16390
the nonprofit sector. 16391

(B) Terms of office shall be for three years, except that 16392
members of the general assembly appointed to the commission shall 16393
be members only so long as they are members of the general 16394
assembly. Each term ends on the same day of the same month as did 16395
the term that it succeeds. Each member shall hold office from the 16396
date of appointment until the end of the term for which the member 16397
was appointed. Members may be reappointed. Vacancies shall be 16398
filled in the manner provided for original appointments. Any 16399
member appointed to fill a vacancy occurring prior to the 16400
expiration date of the term for which the member's predecessor was 16401
appointed shall hold office as a member for the remainder of that 16402
term. A member shall continue in office subsequent to the 16403
expiration date of the member's term until the member's successor 16404
takes office or until a period of sixty days has elapsed, 16405
whichever occurs first. 16406

The commission annually shall elect a chairperson from among 16407
its members. 16408

(C) Members of the commission and members of subcommittees 16409
appointed under division (B) of section 4112.13 of the Revised 16410
Code shall not be compensated, but shall be reimbursed for their 16411

necessary and actual expenses incurred in the performance of their 16412
official duties. 16413

(D) The Ohio state university African American and African 16414
studies community extension center, in consultation with the 16415
governor, shall appoint an executive director of the commission on 16416
African-American males, who shall be in the unclassified civil 16417
service. The executive director shall supervise the commission's 16418
activities and report to the commission and to the Ohio state 16419
university African American and African studies community 16420
extension center on the progress of those activities. The 16421
executive director shall do all things necessary for the efficient 16422
and effective implementation of the duties of the commission. 16423
16424

The responsibilities assigned to the executive director do 16425
not relieve the members of the commission from final 16426
responsibility for the proper performance of the requirements of 16427
this division. 16428

(E) The commission on African-American males shall do all of 16429
the following: 16430

(1) Employ, promote, supervise, and remove all employees, as 16431
needed, in connection with the performance of its duties under 16432
this section; 16433

(2) Maintain its office in Columbus; 16434

(3) Acquire facilities, equipment, and supplies necessary to 16435
house the commission, its employees, and files and records under 16436
its control, and to discharge any duty imposed upon it by law. The 16437
expense of these acquisitions shall be audited and paid for in the 16438
same manner as other state expenses. 16439

(4) Establish the overall policy and management of the 16440
commission in accordance with this chapter; 16441

(5) Follow all state procurement requirements;	16442
(6) Implement the policies and plans of the Ohio state university African American and African studies community extension center as those policies and plans are formulated and adopted by the Ohio state university African American and African studies community extension center;	16443 16444 16445 16446 16447
(7) Report to the Ohio state university African American and African studies community extension center on the progress of the commission on African-American males in implementing the policies and plans of the Ohio state university African American and African studies community extension center.	16448 16449 16450 16451 16452
(F) The commission on African-American males may:	16453
(1) Hold sessions at any place within the state, except that the commission on African-American males shall meet at least quarterly;	16454 16455 16456
(2) Establish, change, or abolish positions, and assign and reassign duties and responsibilities of any employee of the commission on African-American males as necessary to achieve the most efficient performance of its functions.	16457 16458 16459 16460
(G) The Ohio state university African American and African studies community extension center shall establish the overall policy and management of the commission on African-American males and shall direct, manage, and oversee the commission. The Ohio state university African American and African studies community extension center shall develop overall policies and plans, and the commission on African-American males shall implement those policies and plans. The commission on African-American males, through its executive director, shall keep the Ohio state university African American and African studies community extension center informed as to the activities of the commission on African-American males in such manner and at such times as the	16461 16462 16463 16464 16465 16466 16467 16468 16469 16470 16471 16472

Ohio state university African American and African studies 16473
community extension center shall determine. 16474

The Ohio state university African American and African 16475
studies community extension center may prescribe duties and 16476
responsibilities of the commission on African-American males in 16477
addition to those prescribed in section 4112.13 of the Revised 16478
Code. 16479

(H) The Ohio state university African American and African 16480
studies community extension center annually shall contract for a 16481
report on the status of ~~African-Americans~~ African Americans in 16482
this state. Issues to be evaluated in the report shall include the 16483
criminal justice system, education, employment, health care, and 16484
housing, and such other issues as the Ohio state university 16485
African American and African studies community extension center 16486
may specify. The report shall include policy recommendations 16487
relating to the issues covered in the report. 16488

Sec. 4117.14. (A) The procedures contained in this section 16489
govern the settlement of disputes between an exclusive 16490
representative and a public employer concerning the termination or 16491
modification of an existing collective bargaining agreement or 16492
negotiation of a successor agreement, or the negotiation of an 16493
initial collective bargaining agreement. 16494

(B)(1) In those cases where there exists a collective 16495
bargaining agreement, any public employer or exclusive 16496
representative desiring to terminate, modify, or negotiate a 16497
successor collective bargaining agreement shall: 16498

(a) Serve written notice upon the other party of the proposed 16499
termination, modification, or successor agreement. The party must 16500
serve the notice not less than sixty days prior to the expiration 16501
date of the existing agreement or, in the event the existing 16502
collective bargaining agreement does not contain an expiration 16503

date, not less than sixty days prior to the time it is proposed to 16504
make the termination or modifications or to make effective a 16505
successor agreement. 16506

(b) Offer to bargain collectively with the other party for 16507
the purpose of modifying or terminating any existing agreement or 16508
negotiating a successor agreement; 16509

(c) Notify the state employment relations board of the offer 16510
by serving upon the board a copy of the written notice to the 16511
other party and a copy of the existing collective bargaining 16512
agreement. 16513

(2) In the case of initial negotiations between a public 16514
employer and an exclusive representative, where a collective 16515
bargaining agreement has not been in effect between the parties, 16516
any party may serve notice upon the board and the other party 16517
setting forth the names and addresses of the parties and offering 16518
to meet, for a period of ninety days, with the other party for the 16519
purpose of negotiating a collective bargaining agreement. 16520

If the settlement procedures specified in divisions (B), (C), 16521
and (D) of this section govern the parties, where those procedures 16522
refer to the expiration of a collective bargaining agreement, it 16523
means the expiration of the sixty-day period to negotiate a 16524
collective bargaining agreement referred to in this subdivision, 16525
or in the case of initial negotiations, it means the ninety day 16526
period referred to in this subdivision. 16527

(3) The parties shall continue in full force and effect all 16528
the terms and conditions of any existing collective bargaining 16529
agreement, without resort to strike or lock-out, for a period of 16530
sixty days after the party gives notice or until the expiration 16531
date of the collective bargaining agreement, whichever occurs 16532
later, or for a period of ninety days where applicable. 16533

(4) Upon receipt of the notice, the parties shall enter into 16534

collective bargaining. 16535

(C) In the event the parties are unable to reach an 16536
agreement, they may submit, at any time prior to forty-five days 16537
before the expiration date of the collective bargaining agreement, 16538
the issues in dispute to any mutually agreed upon dispute 16539
settlement procedure which supersedes the procedures contained in 16540
this section. 16541

(1) The procedures may include: 16542

(a) Conventional arbitration of all unsettled issues; 16543

(b) Arbitration confined to a choice between the last offer 16544
of each party to the agreement as a single package; 16545

(c) Arbitration confined to a choice of the last offer of 16546
each party to the agreement on each issue submitted; 16547

(d) The procedures described in division (C)(1)(a), (b), or 16548
(c) of this section and including among the choices for the 16549
arbitrator, the recommendations of the fact finder, if there are 16550
recommendations, either as a single package or on each issue 16551
submitted; 16552

(e) Settlement by a citizens' conciliation council composed 16553
of three residents within the jurisdiction of the public employer. 16554
The public employer shall select one member and the exclusive 16555
representative shall select one member. The two members selected 16556
shall select the third member who shall chair the council. If the 16557
two members cannot agree upon a third member within five days 16558
after their appointments, the board shall appoint the third 16559
member. Once appointed, the council shall make a final settlement 16560
of the issues submitted to it pursuant to division (G) of this 16561
section. 16562

(f) Any other dispute settlement procedure mutually agreed to 16563
by the parties. 16564

(2) If, fifty days before the expiration date of the collective bargaining agreement, the parties are unable to reach an agreement, any party may request the state employment relations board to intervene. The request shall set forth the names and addresses of the parties, the issues involved, and, if applicable, the expiration date of any agreement.

The board shall intervene and investigate the dispute to determine whether the parties have engaged in collective bargaining.

If an impasse exists or forty-five days before the expiration date of the collective bargaining agreement if one exists, the board shall appoint a mediator to assist the parties in the collective bargaining process.

(3) Any time after the appointment of a mediator, either party may request the appointment of a fact-finding panel. Within fifteen days after receipt of a request for a fact-finding panel, the board shall appoint a fact-finding panel of not more than three members who have been selected by the parties in accordance with rules established by the board, from a list of qualified persons maintained by the board.

(a) The fact-finding panel shall, in accordance with rules and procedures established by the board that include the regulation of costs and expenses of fact-finding, gather facts and make recommendations for the resolution of the matter. The board shall by its rules require each party to specify in writing the unresolved issues and its position on each issue to the fact-finding panel. The fact-finding panel shall make final recommendations as to all the unresolved issues.

(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:	16596
(a) The fact-finding panel may establish times and place of hearings which shall be, where feasible, in the jurisdiction of the state.	16597 16598 16599
(b) The fact-finding panel shall conduct the hearing pursuant to rules established by the board.	16600 16601
(c) Upon request of the fact-finding panel, the board shall issue subpoenas for hearings conducted by the panel.	16602 16603
(d) The fact-finding panel may administer oaths.	16604
(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.	16605 16606 16607 16608
(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.	16609 16610 16611 16612 16613
(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.	16614 16615 16616 16617 16618 16619 16620 16621
(6)(a) Not later than seven days after the findings and recommendations are sent, the legislative body, by a three-fifths vote of its total membership, and in the case of the public employee organization, the membership, by a three-fifths vote of	16622 16623 16624 16625

the total membership, may reject the recommendations; if neither 16626
rejects the recommendations, the recommendations shall be deemed 16627
agreed upon as the final resolution of the issues submitted and a 16628
collective bargaining agreement shall be executed between the 16629
parties, including the fact-finding panel's recommendations, 16630
except as otherwise modified by the parties by mutual agreement. 16631
If either the legislative body or the public employee organization 16632
rejects the recommendations, the board shall publicize the 16633
findings of fact and recommendations of the fact-finding panel. 16634
The board shall adopt rules governing the procedures and methods 16635
for public employees to vote on the recommendations of the 16636
fact-finding panel. 16637

(b) As used in division (C)(6)(a) of this section, 16638
"legislative body" means the controlling board when the state or 16639
any of its agencies, authorities, commissions, boards, or other 16640
branch of public employment is party to the fact-finding process. 16641

(D) If the parties are unable to reach agreement within seven 16642
days after the publication of findings and recommendations from 16643
the fact-finding panel or the collective bargaining agreement, if 16644
one exists, has expired, then the: 16645

(1) Public employees, who are members of a police or fire 16646
department, members of the state highway patrol, deputy sheriffs, 16647
dispatchers employed by a police, fire or sheriff's department or 16648
the state highway patrol or civilian dispatchers employed by a 16649
public employer other than a police, fire, or sheriff's department 16650
to dispatch police, fire, sheriff's department, or emergency 16651
medical or rescue personnel and units, an exclusive nurse's unit, 16652
employees of the state school for the deaf or the state school for 16653
the blind, employees of any public employee retirement system, 16654
corrections officers, guards at penal or mental institutions, 16655
special police officers appointed in accordance with sections 16656
5119.14 and 5123.13 of the Revised Code, psychiatric attendants 16657

employed at mental health forensic facilities, ~~or~~ youth leaders 16658
employed at juvenile correctional facilities, or members of a law 16659
enforcement security force that is established and maintained 16660
exclusively by a board of county commissioners and whose members 16661
are employed by that board, shall submit the matter to a final 16662
offer settlement procedure pursuant to a board order issued 16663
forthwith to the parties to settle by a conciliator selected by 16664
the parties. The parties shall request from the board a list of 16665
five qualified conciliators and the parties shall select a single 16666
conciliator from the list by alternate striking of names. If the 16667
parties cannot agree upon a conciliator within five days after the 16668
board order, the board shall on the sixth day after its order 16669
appoint a conciliator from a list of qualified persons maintained 16670
by the board or shall request a list of qualified conciliators 16671
from the American arbitration association and appoint therefrom. 16672

(2) Public employees other than those listed in division 16673
(D)(1) of this section have the right to strike under Chapter 16674
4117. of the Revised Code provided that the employee organization 16675
representing the employees has given a ten-day prior written 16676
notice of an intent to strike to the public employer and to the 16677
board, and further provided that the strike is for full, 16678
consecutive work days and the beginning date of the strike is at 16679
least ten work days after the ending date of the most recent prior 16680
strike involving the same bargaining unit; however, the board, at 16681
its discretion, may attempt mediation at any time. 16682

(E) Nothing in this section shall be construed to prohibit 16683
the parties, at any time, from voluntarily agreeing to submit any 16684
or all of the issues in dispute to any other alternative dispute 16685
settlement procedure. An agreement or statutory requirement to 16686
arbitrate or to settle a dispute pursuant to a final offer 16687
settlement procedure and the award issued in accordance with the 16688
agreement or statutory requirement is enforceable in the same 16689

manner as specified in division (B) of section 4117.09 of the Revised Code. 16690
16691

(F) Nothing in this section shall be construed to prohibit a party from seeking enforcement of a collective bargaining agreement or a conciliator's award as specified in division (B) of section 4117.09 of the Revised Code. 16692
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(G) The following guidelines apply to final offer settlement proceedings under division (D)(1) of this section: 16696
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(1) The parties shall submit to final offer settlement those issues that are subject to collective bargaining as provided by section 4117.08 of the Revised Code and upon which the parties have not reached agreement and other matters mutually agreed to by the public employer and the exclusive representative; except that the conciliator may attempt mediation at any time. 16698
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(2) The conciliator shall hold a hearing within thirty days of the board's order to submit to a final offer settlement procedure, or as soon thereafter as is practicable. 16704
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(3) The conciliator shall conduct the hearing pursuant to rules developed by the board. The conciliator shall establish the hearing time and place, but it shall be, where feasible, within the jurisdiction of the state. Not later than five calendar days before the hearing, each of the parties shall submit to the conciliator, to the opposing party, and to the board, a written report summarizing the unresolved issues, the party's final offer as to the issues, and the rationale for that position. 16707
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(4) Upon the request by the conciliator, the board shall issue subpoenas for the hearing. 16715
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(5) The conciliator may administer oaths. 16717

(6) The conciliator shall hear testimony from the parties and provide for a written record to be made of all statements at the 16718
16719

hearing. The board shall submit for inclusion in the record and 16720
for consideration by the conciliator the written report and 16721
recommendation of the fact-finders. 16722

(7) After hearing, the conciliator shall resolve the dispute 16723
between the parties by selecting, on an issue-by-issue basis, from 16724
between each of the party's final settlement offers, taking into 16725
consideration the following: 16726

(a) Past collectively bargained agreements, if any, between 16727
the parties; 16728

(b) Comparison of the issues submitted to final offer 16729
settlement relative to the employees in the bargaining unit 16730
involved with those issues related to other public and private 16731
employees doing comparable work, giving consideration to factors 16732
peculiar to the area and classification involved; 16733

(c) The interests and welfare of the public, the ability of 16734
the public employer to finance and administer the issues proposed, 16735
and the effect of the adjustments on the normal standard of public 16736
service; 16737

(d) The lawful authority of the public employer; 16738

(e) The stipulations of the parties; 16739

(f) Such other factors, not confined to those listed in this 16740
section, which are normally or traditionally taken into 16741
consideration in the determination of the issues submitted to 16742
final offer settlement through voluntary collective bargaining, 16743
mediation, fact-finding, or other impasse resolution procedures in 16744
the public service or in private employment. 16745

(8) Final offer settlement awards made under Chapter 4117. of 16746
the Revised Code are subject to Chapter 2711. of the Revised Code. 16747

(9) If more than one conciliator is used, the determination 16748
must be by majority vote. 16749

(10) The conciliator shall make written findings of fact and 16750
promulgate a written opinion and order upon the issues presented 16751
to the conciliator, and upon the record made before the 16752
conciliator and shall mail or otherwise deliver a true copy 16753
thereof to the parties and the board. 16754

(11) Increases in rates of compensation and other matters 16755
with cost implications awarded by the conciliator may be effective 16756
only at the start of the fiscal year next commencing after the 16757
date of the final offer settlement award; provided that if a new 16758
fiscal year has commenced since the issuance of the board order to 16759
submit to a final offer settlement procedure, the awarded 16760
increases may be retroactive to the commencement of the new fiscal 16761
year. The parties may, at any time, amend or modify a 16762
conciliator's award or order by mutual agreement. 16763

(12) The parties shall bear equally the cost of the final 16764
offer settlement procedure. 16765

(13) Conciliators appointed pursuant to this section shall be 16766
residents of the state. 16767

(H) All final offer settlement awards and orders of the 16768
conciliator made pursuant to Chapter 4117. of the Revised Code are 16769
subject to review by the court of common pleas having jurisdiction 16770
over the public employer as provided in Chapter 2711. of the 16771
Revised Code. If the public employer is located in more than one 16772
court of common pleas district, the court of common pleas in which 16773
the principal office of the chief executive is located has 16774
jurisdiction. 16775

(I) The issuance of a final offer settlement award 16776
constitutes a binding mandate to the public employer and the 16777
exclusive representative to take whatever actions are necessary to 16778
implement the award. 16779

Sec. 4117.15. (A) Whenever a strike by members of a police or 16780
fire department, members of the state highway patrol, deputy 16781
sheriffs, dispatchers employed by a police, fire or sheriff's 16782
department or the state highway patrol or civilian dispatchers 16783
employed by a public employer other than a police, fire, or 16784
sheriff's department to dispatch police, fire, sheriff's 16785
department, or emergency medical or rescue personnel and units, an 16786
exclusive nurse's unit, employees of the state school for the deaf 16787
or the state school for the blind, employees of any public 16788
employee retirement system, correction officers, guards at penal 16789
or mental institutions, or special ~~policemen or policewomen~~ police
officers appointed in accordance with sections 5119.14 and 5123.13 16790
of the Revised Code, psychiatric attendants employed at mental 16791
health forensic facilities, youth leaders employed at juvenile 16792
correctional facilities, or members of a law enforcement security
force that is established and maintained exclusively by a board of
county commissioners and whose members are employed by that board, 16793
a strike by other public employees during the pendency of the 16794
settlement procedures set forth in section 4117.14 of the Revised 16795
Code, or a strike during the term or extended term of a collective 16796
bargaining agreement occurs, the public employer may seek an 16797
injunction against the strike in the court of common pleas of the 16798
county in which the strike is located. 16799
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(B) An unfair labor practice by a public employer is not a 16803
defense to the injunction proceeding noted in division (A) of this 16804
section. Allegations of unfair labor practices during the 16805
settlement procedures set forth in section 4117.14 of the Revised 16806
Code shall receive priority by the state employment relations 16807
board. 16808

(C) No public employee is entitled to pay or compensation 16809
from the public employer for the period engaged in any strike. 16810

Sec. 4123.26. Every employer shall keep records of, and 16811
furnish to the bureau of workers' compensation upon request, all 16812
information required by the administrator of workers' compensation 16813
to carry out this chapter. In January of each year, every employer 16814
of the state employing one or more employees regularly in the same 16815
business, or in or about the same establishment, shall prepare and 16816
mail to the bureau at its main office in Columbus a statement 16817
containing the following information, as applicable: 16818

(A) The number of employees employed during the preceding 16819
year from the first day of January through the thirty-first day of 16820
December; 16821

(B) The number of such employees employed at each kind of 16822
employment and the aggregate amount of wages paid to such 16823
employees; 16824

(C) In accordance with the rules adopted by the administrator 16825
pursuant to division (D) of section 4123.32 of the Revised Code, 16826
if the employer employs employees who are covered under the 16827
federal "Longshore and Harbor Workers' Compensation Act," 98 Stat. 16828
1639, 33 U.S.C. 901 et seq., and under this chapter and Chapter 16829
4121. of the Revised Code, both of the following amounts: 16830

(1) The amount of wages the employer pays to those employees 16831
when the employees perform labor and provide services for which 16832
the employees are eligible to receive compensation and benefits 16833
under the federal "Longshore and Harbor Workers' Compensation 16834
Act;" 16835

(2) The amount of wages the employer pays to those employees 16836
when the employees perform labor and provide services for which 16837
the employees are eligible to receive compensation and benefits 16838
under this chapter and Chapter 4121. of the Revised Code. 16839

The allocation of wages identified by the employer pursuant 16840

to divisions (C)(1) and (2) of this section shall not be presumed 16841
to be an indication of the law under which an employee is eligible 16842
to receive compensation and benefits. 16843

The information shall be furnished on a blank to be prepared 16844
by the bureau. The bureau shall furnish the blanks to employers 16845
free of charge upon request therefor. Every employer receiving 16846
from the bureau any blank, with directions to fill out the same, 16847
shall cause the same to be properly filled out so as to answer 16848
fully and correctly all questions therein propounded, and give all 16849
the information therein sought, or if unable to do so, ~~he~~ the 16850
employer shall give to the bureau in writing good and sufficient 16851
reasons for such failure. The bureau may require that the 16852
information required to be furnished be verified under oath and 16853
returned to the bureau within the period fixed by it or by law. 16854
The bureau or any person employed by the bureau for that purpose, 16855
may examine, under oath, any employer, or the officer, agent, or 16856
employee thereof, for the purpose of ascertaining any information 16857
which the employer is required to furnish to the bureau. 16858

No employer shall fail to furnish to the bureau the annual 16859
statement required by this section, nor shall any employer fail to 16860
keep records of or furnish such other information as may be 16861
required by the bureau under this section. 16862

Whoever violates this section shall forfeit five hundred 16863
dollars, to be collected in a civil action brought against the 16864
employer in the name of the state, to be paid into the state 16865
insurance fund and become a part thereof. 16866

Sec. 4123.32. The administrator of workers' compensation, 16867
with the advice and consent of the bureau of workers' compensation 16868
board of directors, shall adopt rules with respect to the 16869
collection, maintenance, and disbursements of the state insurance 16870
fund including all of the following: 16871

(A) A rule providing that the premium security deposit 16872
collected from any employer entitles the employer to the benefits 16873
of this chapter for the remainder of the six months and also for 16874
an additional adjustment period of two months, and, thereafter, if 16875
the employer pays the premium due at the close of any six-month 16876
period, coverage shall be extended for an additional eight-month 16877
period beginning from the end of the six-month period for which 16878
the employer pays the premium due; 16879

(B) A rule providing for ascertaining the correctness of any 16880
employer's report of estimated or actual expenditure of wages and 16881
the determination and adjustment of proper premiums and the 16882
payment of those premiums by the employer for or during any period 16883
less than eight months and notwithstanding any payment or 16884
determination of premium made when exceptional conditions or 16885
circumstances in the judgment of the administrator justify the 16886
action; 16887

(C) Such special rules as the administrator considers 16888
necessary to safeguard the fund and that are just in the 16889
circumstances, covering the rates to be applied where one employer 16890
takes over the occupation or industry of another or where an 16891
employer first makes application for state insurance, and the 16892
administrator may require that if any employer transfers a 16893
business in whole or in part or otherwise reorganizes the 16894
business, the successor in interest shall assume, in proportion to 16895
the extent of the transfer, as determined by the administrator, 16896
the employer's account and shall continue the payment of all 16897
contributions due under this chapter; 16898

(D) A rule providing that an employer who employs an employee 16899
covered under the federal "Longshore and Harbor Workers' 16900
Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et seq., and this 16901
chapter and Chapter 4121. of the Revised Code shall be assessed a 16902
premium in accordance with the expenditure of wages, payroll, or 16903

both attributable to only labor performed and services provided by 16904
such an employee when the employee performs labor and provides 16905
services for which the employee is not eligible to receive 16906
compensation and benefits under that federal act. 16907

(E) A rule providing for all of the following: 16908

(1) If, within two months immediately after the expiration of 16909
the six-month period, an employer fails to file a report of the 16910
employer's actual payroll expenditures for the period, the premium 16911
found to be due from the employer for the period shall be 16912
increased in an amount equal to one per cent of the premium, but 16913
the increase shall not be less than three nor more than fifteen 16914
dollars; 16915

(2) The premium determined by the administrator to be due 16916
from an employer shall be payable on or before the end of the 16917
coverage period established by the premium security deposit, or 16918
within the time specified by the administrator if the period for 16919
which the advance premium has been paid is less than eight months. 16920
If an employer fails to pay the premium when due, the 16921
administrator may add a late fee penalty of not more than thirty 16922
dollars to the premium plus an additional penalty amount as 16923
follows: 16924

(a) For a premium from sixty-one to ninety days past due, the 16925
prime interest rate, multiplied by the premium due; 16926

(b) For a premium from ninety-one to one hundred twenty days 16927
past due, the prime interest rate plus two per cent, multiplied by 16928
the premium due; 16929

(c) For a premium from one hundred twenty-one to one hundred 16930
fifty days past due, the prime interest rate plus four per cent, 16931
multiplied by the premium due; 16932

(d) For a premium from one hundred fifty-one to one hundred 16933
eighty days past due, the prime interest rate plus six per cent, 16934

multiplied by the premium due; 16935

(e) For a premium from one hundred eighty-one to two hundred 16936
ten days past due, the prime interest rate plus eight per cent, 16937
multiplied by the premium due; 16938

(f) For each additional thirty-day period or portion thereof 16939
that a premium remains past due after it has remained past due for 16940
more than two hundred ten days, the prime interest rate plus eight 16941
per cent, multiplied by the premium due. 16942

(3) Notwithstanding the interest rates specified in division 16943
~~(D)~~(E)(2) of this section, at no time shall the additional penalty 16944
amount assessed under division ~~(D)~~(E)(2) of this section exceed 16945
fifteen per cent of the premium due. 16946

(4) An employer may appeal a late fee penalty or additional 16947
penalty to an adjudicating committee pursuant to section 4123.291 16948
of the Revised Code. 16949

For purposes of division ~~(D)~~ (E) of this section, "prime 16950
interest rate" means the average bank prime rate, and the 16951
administrator shall determine the prime interest rate in the same 16952
manner as a county auditor determines the average bank prime rate 16953
under section 929.02 of the Revised Code. 16954

(5) If the employer files an appropriate payroll report, 16955
within the time provided by law or within the time specified by 16956
the administrator if the period for which the employer paid an 16957
estimated premium is less than eight months, the employer shall 16958
not be in default and division ~~(D)~~(E)(2) of this section shall not 16959
apply if the employer pays the premiums within fifteen days after 16960
being first notified by the administrator of the amount due. 16961

(6) Any deficiencies in the amounts of the premium security 16962
deposit paid by an employer for any period shall be subject to an 16963
interest charge of six per cent per annum from the date the 16964
premium obligation is incurred. In determining the interest due on 16965

deficiencies in premium security deposit payments, a charge in 16966
each case shall be made against the employer in an amount equal to 16967
interest at the rate of six per cent per annum on the premium 16968
security deposit due but remaining unpaid sixty days after notice 16969
by the administrator. 16970

(7) Any interest charges or penalties provided for in 16971
divisions ~~(D)~~(E)(2) and (6) of this section shall be credited to 16972
the employer's account for rating purposes in the same manner as 16973
premiums. 16974

~~(E)~~(F) A rule providing that each employer, on the occasion 16975
of instituting coverage under this chapter, shall submit a premium 16976
security deposit. The deposit shall be calculated equivalent to 16977
thirty per cent of the semiannual premium obligation of the 16978
employer based upon the employer's estimated expenditure for wages 16979
for the ensuing six-month period plus thirty per cent of an 16980
additional adjustment period of two months but only up to a 16981
maximum of one thousand dollars and not less than ten dollars. The 16982
administrator shall review the security deposit of every employer 16983
who has submitted a deposit which is less than the 16984
one-thousand-dollar maximum. The administrator may require any 16985
such employer to submit additional money up to the maximum of one 16986
thousand dollars that, in the administrator's opinion, reflects 16987
the employer's current payroll expenditure for an eight-month 16988
period. 16989

~~(F)~~(G) A rule providing that each employer, on the occasion 16990
of instituting coverage under this chapter, shall submit an 16991
application for coverage that completely provides all of the 16992
information required for the administrator to establish coverage 16993
for that employer, and that the employer's failure to provide all 16994
of the information completely may be grounds for the administrator 16995
to deny coverage for that employer. 16996

~~(G)~~(H) A rule providing that, in addition to any other 16997

remedies permitted in this chapter, the administrator may 16998
discontinue an employer's coverage if the employer fails to pay 16999
the premium due on or before the premium's due date. 17000

~~(H)~~(I) A rule providing that if after a final adjudication it 17001
is determined that an employer has failed to pay an obligation, 17002
billing, account, or assessment that is greater than one thousand 17003
dollars on or before its due date, the administrator may 17004
discontinue the employer's coverage in addition to any other 17005
remedies permitted in this chapter, and that the administrator 17006
shall not discontinue an employer's coverage pursuant to this 17007
division prior to a final adjudication regarding the employer's 17008
failure to pay such obligation, billing, account, or assessment on 17009
or before its due date. 17010

~~(I)~~(J) As used in divisions ~~(G)~~ and (H) and (I) of this 17011
section: 17012

(1) "Employer" has the same meaning as in division (B) of 17013
section 4123.01 of the Revised Code except that "employer" does 17014
not include the state, a state hospital, or a state university or 17015
college. 17016

(2) "State university or college" has the same meaning as in 17017
section 3345.12 of the Revised Code and also includes the Ohio 17018
agricultural research and development center and the Ohio state 17019
university cooperative extension service. 17020

(3) "State hospital" means the Ohio state university hospital 17021
and its ancillary facilities and the medical university of Ohio at 17022
Toledo hospital. 17023

Sec. 4123.37. In this section "amenable employer" has the 17024
same meaning as "employer" as defined in division ~~(H)~~ (J) of 17025
section 4123.32 of the Revised Code. 17026

If the administrator of workers' compensation finds that any 17027

person, firm, or private corporation, including any public service 17028
corporation, is, or has been at any time after January 1, 1923, an 17029
amenable employer and has not complied with section 4123.35 of the 17030
Revised Code the administrator shall determine the period during 17031
which the person, firm, or corporation was an amenable employer 17032
and shall forthwith give notice of the determination to the 17033
employer. Within twenty days thereafter the employer shall furnish 17034
the bureau with the payroll covering the period included in the 17035
determination and, if the employer is an amenable employer at the 17036
time of the determination, shall pay a premium security deposit 17037
for the eight months next succeeding the date of the determination 17038
and shall pay into the state insurance fund the amount of premium 17039
applicable to such payroll. 17040

If the employer does not furnish the payroll and pay the 17041
applicable premium and premium security deposit within the twenty 17042
days, the administrator shall forthwith make an assessment of the 17043
premium due from the employer for the period the administrator 17044
determined the employer to be an amenable employer including the 17045
premium security deposit according to section 4123.32 of the 17046
Revised Code if the employer is an amenable employer at the time 17047
of the determination, basing the assessment upon the information 17048
in the possession of the administrator. 17049

The administrator shall give to the employer assessed written 17050
notice of the assessment. The notice shall be mailed to the 17051
employer at the employer's residence or usual place of business by 17052
certified mail. Unless the employer to whom the notice of 17053
assessment is directed files with the bureau within twenty days 17054
after receipt thereof, a petition in writing, verified under oath 17055
by the employer, or the employer's authorized agent having 17056
knowledge of the facts, setting forth with particularity the items 17057
of the assessment objected to, together with the reason for the 17058
objections, the assessment shall become conclusive and the amount 17059

thereof shall be due and payable from the employer so assessed to 17060
the state insurance fund. When a petition objecting to an 17061
assessment is filed the bureau shall assign a time and place for 17062
the hearing of the same and shall notify the petitioner thereof by 17063
certified mail. When an employer files a petition the assessment 17064
made by the administrator shall become due and payable ten days 17065
after notice of the finding made at the hearing has been sent by 17066
certified mail to the party assessed. An appeal may be taken from 17067
any finding to the court of common pleas of Franklin county upon 17068
the execution by the party assessed of a bond to the state in 17069
double the amount found due and ordered paid by the bureau 17070
conditioned that the party will pay any judgment and costs 17071
rendered against it for the premium. 17072

When no petition objecting to an assessment is filed or when 17073
a finding is made affirming or modifying an assessment after 17074
hearing, a certified copy of the assessment as affirmed or 17075
modified may be filed by the administrator in the office of the 17076
clerk of the court of common pleas in any county in which the 17077
employer has property or in which the employer has a place of 17078
business. The clerk, immediately upon the filing of the 17079
assessment, shall enter a judgment for the state against the 17080
employer in the amount shown on the assessment. The judgment may 17081
be filed by the clerk in a loose leaf book entitled "special 17082
judgments for state insurance fund." The judgment shall bear the 17083
same rate of interest, have the same effect as other judgments, 17084
and be given the same preference allowed by law on other judgments 17085
rendered for claims for taxes. An assessment or judgment under 17086
this section shall not be a bar to the adjustment of the 17087
employer's account upon the employer furnishing the employer's 17088
payroll records to the bureau. 17089

The administrator, for good cause shown, may waive a default 17090
in the payment of premium where the default is of less than sixty 17091

days' duration, and upon payment by the employer of the premium 17092
for the period, the employer and the employer's employees are 17093
entitled to all of the benefits and immunities provided by this 17094
chapter. 17095

Sec. 4123.54. (A) ~~Every~~ Except as otherwise provided in 17096
division (I) of this section, every employee, who is injured or 17097
who contracts an occupational disease, and the dependents of each 17098
employee who is killed, or dies as the result of an occupational 17099
disease contracted in the course of employment, wherever such 17100
injury has occurred or occupational disease has been contracted, 17101
provided the same were not: 17102

(1) Purposely self-inflicted; or 17103

(2) Caused by the employee being intoxicated or under the 17104
influence of a controlled substance not prescribed by a physician 17105
where the intoxication or being under the influence of the 17106
controlled substance not prescribed by a physician was the 17107
proximate cause of the injury, is entitled to receive, either 17108
directly from the employee's self-insuring employer as provided in 17109
section 4123.35 of the Revised Code, or from the state insurance 17110
fund, the compensation for loss sustained on account of the 17111
injury, occupational disease, or death, and the medical, nurse, 17112
and hospital services and medicines, and the amount of funeral 17113
expenses in case of death, as are provided by this chapter. 17114

(B) For the purpose of this section, provided that an 17115
employer has posted written notice to employees that the results 17116
of, or the employee's refusal to submit to, any chemical test 17117
described under this division may affect the employee's 17118
eligibility for compensation and benefits pursuant to this chapter 17119
and Chapter 4121. of the Revised Code, there is a rebuttable 17120
presumption that an employee is intoxicated or under the influence 17121
of a controlled substance not prescribed by the employee's 17122

physician and that being intoxicated or under the influence of a 17123
controlled substance not prescribed by the employee's physician is 17124
the proximate cause of an injury under either of the following 17125
conditions: 17126

(1) When any one or more of the following is true: 17127

(a) The employee, through a qualifying chemical test 17128
administered within eight hours of an injury, is determined to 17129
have an alcohol concentration level equal to or in excess of the 17130
levels established in divisions (A)(1)(b) to (i) of section 17131
4511.19 of the Revised Code; 17132

(b) The employee, through a qualifying chemical test 17133
administered within thirty-two hours of an injury, is determined 17134
to have one of the following controlled substances not prescribed 17135
by the employee's physician in the employee's system that tests 17136
above the following levels in an enzyme multiplied immunoassay 17137
technique screening test and above the levels established in 17138
division (B)(1)(c) of this section in a gas chromatography mass 17139
spectrometry test: 17140

(i) For amphetamines, one thousand nanograms per milliliter 17141
of urine; 17142

(ii) For cannabinoids, fifty nanograms per milliliter of 17143
urine; 17144

(iii) For cocaine, including crack cocaine, three hundred 17145
nanograms per milliliter of urine; 17146

(iv) For opiates, two thousand nanograms per milliliter of 17147
urine; 17148

(v) For phencyclidine, twenty-five nanograms per milliliter 17149
of urine. 17150

(c) The employee, through a qualifying chemical test 17151
administered within thirty-two hours of an injury, is determined 17152

to have one of the following controlled substances not prescribed 17153
by the employee's physician in the employee's system that tests 17154
above the following levels by a gas chromatography mass 17155
spectrometry test: 17156

(i) For amphetamines, five hundred nanograms per milliliter 17157
of urine; 17158

(ii) For cannabinoids, fifteen nanograms per milliliter of 17159
urine; 17160

(iii) For cocaine, including crack cocaine, one hundred fifty 17161
nanograms per milliliter of urine; 17162

(iv) For opiates, two thousand nanograms per milliliter of 17163
urine; 17164

(v) For phencyclidine, twenty-five nanograms per milliliter 17165
of urine. 17166

(d) The employee, through a qualifying chemical test 17167
administered within thirty-two hours of an injury, is determined 17168
to have barbiturates, benzodiazepines, methadone, or propoxyphene 17169
in the employee's system that tests above levels established by 17170
laboratories certified by the United States department of health 17171
and human services. 17172

(2) When the employee refuses to submit to a requested 17173
chemical test, on the condition that that employee is or was given 17174
notice that the refusal to submit to any chemical test described 17175
in division (B)(1) of this section may affect the employee's 17176
eligibility for compensation and benefits under this chapter and 17177
Chapter 4121. of the Revised Code. 17178

(C)(1) For purposes of division (B) of this section, a 17179
chemical test is a qualifying chemical test if it is administered 17180
to an employee after an injury under at least one of the following 17181
conditions: 17182

(a) When the employee's employer had reasonable cause to suspect that the employee may be intoxicated or under the influence of a controlled substance not prescribed by the employee's physician;

(b) At the request of a police officer pursuant to section 4511.191 of the Revised Code, and not at the request of the employee's employer;

(c) At the request of a licensed physician who is not employed by the employee's employer, and not at the request of the employee's employer.

(2) As used in division (C)(1)(a) of this section, "reasonable cause" means, but is not limited to, evidence that an employee is or was using alcohol or a controlled substance drawn from specific, objective facts and reasonable inferences drawn from these facts in light of experience and training. These facts and inferences may be based on, but are not limited to, any of the following:

(a) Observable phenomena, such as direct observation of use, possession, or distribution of alcohol or a controlled substance, or of the physical symptoms of being under the influence of alcohol or a controlled substance, such as but not limited to slurred speech, dilated pupils, odor of alcohol or a controlled substance, changes in affect, or dynamic mood swings;

(b) A pattern of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance such as frequent absenteeism, excessive tardiness, or recurrent accidents, that appears to be related to the use of alcohol or a controlled substance, and does not appear to be attributable to other factors;

(c) The identification of an employee as the focus of a criminal investigation into unauthorized possession, use, or

trafficking of a controlled substance;	17214
(d) A report of use of alcohol or a controlled substance provided by a reliable and credible source;	17215 17216
(e) Repeated or flagrant violations of the safety or work rules of the employee's employer, that are determined by the employee's supervisor to pose a substantial risk of physical injury or property damage and that appear to be related to the use of alcohol or a controlled substance and that do not appear attributable to other factors.	17217 17218 17219 17220 17221 17222
(D) Nothing in this section shall be construed to affect the rights of an employer to test employees for alcohol or controlled substance abuse.	17223 17224 17225
(E) For the purpose of this section, laboratories certified by the United States department of health and human services or laboratories that meet or exceed the standards of that department for laboratory certification shall be used for processing the test results of a qualifying chemical test.	17226 17227 17228 17229 17230
(F) The written notice required by division (B) of this section shall be the same size or larger then the certificate of premium payment notice furnished by the bureau of workers' compensation and shall be posted by the employer in the same location as the certificate of premium payment notice or the certificate of self-insurance.	17231 17232 17233 17234 17235 17236
(G) If a condition that pre-existed an injury is substantially aggravated by the injury, and that substantial aggravation is documented by objective diagnostic findings, objective clinical findings, or objective test results, no compensation or benefits are payable because of the pre-existing condition once that condition has returned to a level that would have existed without the injury.	17237 17238 17239 17240 17241 17242 17243
(H) Whenever, with respect to an employee of an employer who	17244

is subject to and has complied with this chapter, there is 17245
possibility of conflict with respect to the application of 17246
workers' compensation laws because the contract of employment is 17247
entered into and all or some portion of the work is or is to be 17248
performed in a state or states other than Ohio, the employer and 17249
the employee may agree to be bound by the laws of this state or by 17250
the laws of some other state in which all or some portion of the 17251
work of the employee is to be performed. The agreement shall be in 17252
writing and shall be filed with the bureau of workers' 17253
compensation within ten days after it is executed and shall remain 17254
in force until terminated or modified by agreement of the parties 17255
similarly filed. If the agreement is to be bound by the laws of 17256
this state and the employer has complied with this chapter, then 17257
the employee is entitled to compensation and benefits regardless 17258
of where the injury occurs or the disease is contracted and the 17259
rights of the employee and the employee's dependents under the 17260
laws of this state are the exclusive remedy against the employer 17261
on account of injury, disease, or death in the course of and 17262
arising out of the employee's employment. If the agreement is to 17263
be bound by the laws of another state and the employer has 17264
complied with the laws of that state, the rights of the employee 17265
and the employee's dependents under the laws of that state are the 17266
exclusive remedy against the employer on account of injury, 17267
disease, or death in the course of and arising out of the 17268
employee's employment without regard to the place where the injury 17269
was sustained or the disease contracted. 17270

If any employee or the employee's dependents are awarded 17271
workers' compensation benefits or recover damages from the 17272
employer under the laws of another state, the amount awarded or 17273
recovered, whether paid or to be paid in future installments, 17274
shall be credited on the amount of any award of compensation or 17275
benefits made to the employee or the employee's dependents by the 17276
bureau. 17277

If an employee is a resident of a state other than this state 17278
and is insured under the workers' compensation law or similar laws 17279
of a state other than this state, the employee and the employee's 17280
dependents are not entitled to receive compensation or benefits 17281
under this chapter, on account of injury, disease, or death 17282
arising out of or in the course of employment while temporarily 17283
within this state, and the rights of the employee and the 17284
employee's dependents under the laws of the other state are the 17285
exclusive remedy against the employer on account of the injury, 17286
disease, or death. 17287

(I) If an employee who is covered under the federal 17288
"Longshore and Harbor Workers' Compensation Act," 98 Stat. 1639, 17289
33 U.S.C. 901 et seq., is injured or contracts an occupational 17290
disease or dies as a result of an injury or occupational disease, 17291
and if that employee's or that employee's dependents' claim for 17292
compensation or benefits for that injury, occupational disease, or 17293
death is subject to the jurisdiction of that act, the employee or 17294
the employee's dependents are not entitled to apply for and shall 17295
not receive compensation or benefits under this chapter and 17296
Chapter 4121. of the Revised Code. The rights of such an employee 17297
and the employee's dependents under the federal "Longshore and 17298
Harbor Workers' Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et 17299
seq., are the exclusive remedy against the employer for that 17300
injury, occupational disease, or death. 17301

(J) Compensation or benefits are not payable to a claimant 17302
during the period of confinement of the claimant in any state or 17303
federal correctional institution, or in any county jail in lieu of 17304
incarceration in a state or federal correctional institution, 17305
whether in this or any other state for conviction of violation of 17306
any state or federal criminal law. 17307

Sec. 4131.03. (A) For the relief of persons who are entitled 17308

to receive benefits by virtue of the federal act, there is hereby 17309
established a coal-workers pneumoconiosis fund, which shall be 17310
separate from the funds established and administered pursuant to 17311
Chapter 4123. of the Revised Code. The fund shall consist of 17312
premiums and other payments thereto by subscribers who elect to 17313
subscribe to the fund to insure the payment of benefits required 17314
by the federal act. 17315

(B)(1) The coal-workers pneumoconiosis fund shall be in the 17316
custody of the treasurer of state. The bureau of workers' 17317
compensation shall make disbursements from the fund to those 17318
persons entitled to payment therefrom and in the amounts required 17319
pursuant to sections 4131.01 to 4131.06 of the Revised Code. All 17320
investment earnings of the fund shall be credited to the fund. 17321

(2) The administrator of workers' compensation may transfer a 17322
portion of the investment earnings credited to the coal-workers 17323
pneumoconiosis fund to the mine safety fund created in section 17324
1561.24 of the Revised Code for the purposes specified in that 17325
section. The administrator, with the advice and consent of the 17326
bureau of workers' compensation board of directors, shall adopt 17327
rules governing the transfer in order to ensure the solvency of 17328
the coal-workers pneumoconiosis fund. For that purpose, the rules 17329
may establish tests based on measures of net assets, liabilities, 17330
expenses, interest, dividend income, or other factors that the 17331
administrator determines appropriate that may be applied prior to 17332
a transfer. 17333

(C) The administrator ~~of workers' compensation~~ shall have the 17334
same powers to invest any of the surplus or reserve belonging to 17335
the coal-workers pneumoconiosis fund as are delegated to ~~him~~ the 17336
administrator under section 4123.44 of the Revised Code with 17337
respect to the state insurance fund. 17338

(D) If the administrator determines that reinsurance of the 17339
risks of the coal-workers pneumoconiosis fund is necessary to 17340

assure solvency of the fund, ~~he~~ the administrator may: 17341

(1) Enter into contracts for the purchase of reinsurance 17342
coverage of the risks of the fund with any company or agency 17343
authorized by law to issue contracts of reinsurance; 17344

(2) Pay the cost of reinsurance from the fund; 17345

(3) Include the costs of reinsurance as a liability and 17346
estimated liability of the fund. 17347

Sec. 4301.355. (A) If a petition is filed under section 17348
4301.333 of the Revised Code for the submission of the question or 17349
questions set forth in this section, it shall be held in the 17350
precinct as ordered by the board of elections under that section. 17351
The expense of holding the election shall be charged to the 17352
municipal corporation or township of which the precinct is a part. 17353

(B) At the election, one or more of the following questions, 17354
as designated in a valid petition, shall be submitted to the 17355
electors of the precinct: 17356

(1) "Shall the sale of (insert beer, wine and 17357
mixed beverages, or spirituous liquor) be permitted by 17358
(insert name of applicant, liquor permit holder, or liquor agency 17359
store, including trade or fictitious name under which applicant 17360
for, or holder of, liquor permit or liquor agency store either 17361
intends to do, or does, business at the particular location), an 17362
..... (insert "applicant for" or "holder of" or "operator 17363
of") a (insert class name of liquor permit or permits 17364
followed by the words "liquor permit(s)" or, if appropriate, the 17365
words "liquor agency store for the State of Ohio"), who is engaged 17366
in the business of (insert general nature of the 17367
business in which applicant or liquor permit holder is engaged or 17368
will be engaged in at the particular location, as described in the 17369
petition) at (insert address of the particular location 17370

within the precinct as set forth in the petition) in this 17371
precinct?" 17372

(2) "Shall the sale of (insert beer, wine and 17373
mixed beverages, or spirituous liquor) be permitted for sale on 17374
Sunday between the hours of (insert "ten a.m. and 17375
midnight" or "one p.m. and midnight") by (insert name 17376
of applicant, liquor permit holder, or liquor agency store, 17377
including trade or fictitious name under which applicant for, or 17378
holder of, liquor permit or liquor agency store either intends to 17379
do, or does, business at the particular location), an 17380
(insert "applicant for a D-6 liquor permit," "holder of a D-6 17381
liquor permit," "applicant for or holder of an A-1-A, A-2, A-3a, 17382
C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, D-5f, 17383
D-5g, D-5h, D-5i, D-5j, D-5k, or D-7 liquor permit," if only the 17384
approval of beer sales is sought, or "liquor agency store") who is 17385
engaged in the business of (insert general nature of 17386
the business in which applicant or liquor permit holder is engaged 17387
or will be engaged in at the particular location, as described in 17388
the petition) at (insert address of the particular 17389
location within the precinct) in this precinct?" 17390
17391

(C) The board of elections shall furnish printed ballots at 17392
the election as provided under section 3505.06 of the Revised 17393
Code, except that a separate ballot shall be used for the election 17394
under this section. The question set forth in this section shall 17395
be printed on each ballot, and the board shall insert in the 17396
question appropriate words to complete it. Votes shall be cast as 17397
provided under section 3505.06 of the Revised Code. 17398

Sec. 4301.421. (A) For the purposes of section 307.696 of the 17399
Revised Code, to pay the expenses of administering the tax, and to 17400
pay any or all of the charge the board of elections makes against 17401

the county to hold the election on the question of levying the 17402
tax, or for those purposes and to provide revenues to the county 17403
for permanent improvements, the board of county commissioners may 17404
levy a tax on the sale of beer at a rate not to exceed sixteen 17405
cents per gallon, on the sale of cider at a rate not to exceed 17406
twenty-four cents per gallon, and on the sale of wine and mixed 17407
beverages at a rate not to exceed thirty-two cents per gallon. The 17408
tax shall be imposed on all beer, cider, wine, and mixed beverages 17409
sold for resale at retail in the county, and on all beer, cider, 17410
wine, and mixed beverages sold at retail in the county by the 17411
manufacturer, bottler, importer, or other person upon which the 17412
tax has not been paid. The tax shall not be levied on the sale of 17413
wine to be used for known sacramental purposes. The tax may be 17414
levied for any number of years not exceeding twenty. The tax shall 17415
be in addition to the taxes imposed by sections 4301.42, 4301.43, 17416
4301.432, and 4305.01 of the Revised Code. The tax shall not be 17417
considered a cost in any computation required under rules of the 17418
liquor control commission regulating minimum prices or mark-ups. 17419

17420

Only one sale of the same article shall be used in computing, 17421
reporting, and paying the amount of tax due. 17422

The tax shall be levied pursuant to a resolution of the 17423
county commissioners approved by a majority of the electors in the 17424
county voting on the question of levying the tax, which resolution 17425
shall specify the rate of the tax, the number of years the tax 17426
will be levied, and the purposes for which the tax is levied. The 17427
election may be held on the date of a general election or special 17428
election held not sooner than seventy-five days after the date the 17429
board certifies its resolution to the board of elections. If 17430
approved by the electors, the tax shall take effect on the first 17431
day of the month specified in the resolution but not sooner than 17432
the first day of the month that is at least sixty days after the 17433

certification of the election results by the board of elections. A 17434
copy of the resolution levying the tax and the certification of 17435
the board of elections shall be certified to the tax commissioner 17436
at least sixty days prior to the date on which the tax is to 17437
become effective. 17438

A resolution under this section may be joined on the ballot 17439
as a single question with a resolution adopted under section 17440
307.697 or 5743.024 of the Revised Code to levy a tax for the same 17441
purposes and for the purpose of paying the expenses of 17442
administering the tax. The form of the ballot in an election held 17443
pursuant to this section shall be as prescribed in section 307.697 17444
of the Revised Code. 17445

(B) The board of county commissioners of a county in which a 17446
tax is imposed under this section on ~~the effective date of this~~ 17447
~~amendment~~ July 19, 1995, may levy a tax for the purpose of section 17448
307.673 of the Revised Code regardless of whether or not the 17449
cooperative agreement authorized under that section has been 17450
entered into prior to the day the resolution adopted under 17451
division (B)(1) or (2) of this section is adopted, and for the 17452
purpose of reimbursing a county for costs incurred in the 17453
construction of a sports facility pursuant to an agreement entered 17454
into by the county under section 307.696 of the Revised Code. The 17455
tax shall be levied and approved in one of the manners prescribed 17456
by division (B)(1) or (2) of this section. 17457

(1) The tax may be levied pursuant to a resolution adopted by 17458
a majority of the members of the board of county commissioners not 17459
later than ~~forty five days after the effective date of this~~ 17460
~~amendment~~ September 2, 1995. A board of county commissioners 17461
approving a tax under division (B)(1) of this section may approve 17462
a tax under division (D)(1) of section 307.697 or division (C)(1) 17463
of section 5743.024 of the Revised Code at the same time. Subject 17464
to the resolution being submitted to a referendum under sections 17465

305.31 to 305.41 of the Revised Code, the resolution shall take 17466
effect immediately, but the tax levied pursuant to the resolution 17467
shall not be levied prior to the day following the last day the 17468
tax levied pursuant to division (A) of this section may be levied. 17469

(2) The tax may be levied pursuant to a resolution adopted by 17470
a majority of the members of the board of county commissioners not 17471
later than ~~forty five days after the effective date of this~~ 17472
~~amendment~~ September 2, 1995, and approved by a majority of the 17473
electors of the county voting on the question of levying the tax 17474
at the next succeeding general election following ~~the effective~~ 17475
~~date of this amendment~~ July 19, 1995. The board of county 17476
commissioners shall certify a copy of the resolution to the board 17477
of elections immediately upon adopting a resolution under division 17478
(D)(2) of this section, and the board of elections shall place the 17479
question of levying the tax on the ballot at that election. The 17480
form of the ballot shall be as prescribed by division (C) of 17481
section 307.697 of the Revised Code, except that the phrase 17482
"paying not more than one-half of the costs of providing a sports 17483
facility together with related redevelopment and economic 17484
development projects" shall be replaced by the phrase "paying the 17485
costs of constructing or renovating a sports facility and 17486
reimbursing a county for costs incurred by the county in the 17487
construction of a sports facility," and the phrase ", beginning 17488
..... (here insert the earliest date the tax would take 17489
effect)" shall be appended after "years." A board of county 17490
commissioners submitting the question of a tax under division 17491
(B)(2) of this section may submit the question of a tax under 17492
division (D)(2) of section 307.697 or division (C)(2) of section 17493
5743.024 of the Revised Code as a single question, and the form of 17494
the ballot shall include each of the proposed taxes. 17495

If approved by a majority of electors voting on the question, 17496
the tax shall take effect on the day specified on the ballot, 17497

which shall not be earlier than the day following the last day the 17498
tax levied pursuant to division (A) of this section may be levied. 17499

The rate of a tax levied pursuant to division (B)(1) or (2) 17500
of this section shall not exceed the rate specified in division 17501
(A) of this section. A tax levied pursuant to division (B)(1) or 17502
(2) of this section may be levied for any number of years not 17503
exceeding twenty. 17504

A board of county commissioners adopting a resolution under 17505
division (B)(1) or (2) of this section shall certify a copy of the 17506
resolution to the tax commissioner immediately upon adoption of 17507
the resolution. 17508

(C) No tax shall be levied under this section on or after the 17509
effective date of the amendment of this section by of the 17510
127th general assembly. This division does not prevent the 17511
collection of any tax levied under this section before that date 17512
so long as that tax remains effective. 17513

Sec. 4301.424. (A) For the purpose of section 351.26 of the 17514
Revised Code and to pay any or all of the charge the board of 17515
elections makes against the county to hold the election on the 17516
question of levying the tax, the board of county commissioners, in 17517
the manner prescribed by division (A) of section 351.26 of the 17518
Revised Code, may levy a tax on each gallon of spirituous liquor; 17519
on the sale of beer; and on the sale of wine and mixed beverages. 17520
The tax on spirituous liquor shall be imposed on spirituous liquor 17521
sold to or purchased by liquor permit holders for resale, and sold 17522
at retail by the division of liquor control, in the county at a 17523
rate not greater than three dollars per gallon; the tax on beer, 17524
wine, and mixed beverages shall be imposed on all beer, wine, and 17525
mixed beverages sold for resale at retail in the county, and on 17526
all beer, wine, and mixed beverages sold at retail in the county 17527
by the manufacturer, bottler, importer, or other person and upon 17528

which the tax has not been paid. The rate of the tax on beer shall 17529
not exceed sixteen cents per gallon, and the rate of the tax on 17530
wine and mixed beverages shall not exceed thirty-two cents per 17531
gallon. Only one sale of the same article shall be used in 17532
computing, reporting, and paying the amount of tax due. The tax 17533
may be levied for any number of years not exceeding twenty. 17534

The tax shall be levied pursuant to a resolution of the board 17535
of county commissioners adopted as prescribed by division (A) of 17536
section 351.26 of the Revised Code and approved by a majority of 17537
the electors in the county voting on the question of levying the 17538
tax. The resolution shall specify the rates of the tax, the number 17539
of years the tax will be levied, and the purposes for which the 17540
tax is levied. Such election may be held on the date of a general 17541
or special election held not sooner than seventy-five days after 17542
the date the board certifies its resolution to the board of 17543
elections. If approved by the electors, the tax takes effect on 17544
the first day of the month specified in the resolution but not 17545
sooner than the first day of the month that is at least sixty days 17546
after the certification of the election results by the board of 17547
elections. A copy of the resolution levying the tax shall be 17548
certified to the division of liquor control and the tax 17549
commissioner at least sixty days prior to the date on which the 17550
tax is to become effective. 17551

(B) A resolution under this section may be joined on the 17552
ballot as a single question with a resolution adopted under 17553
section 5743.026 of the Revised Code to levy a tax for the same 17554
purposes, and for the purpose of paying the expenses of 17555
administering that tax. 17556

(C) The form of the ballot in an election held on the 17557
question of levying a tax proposed pursuant to this section shall 17558
be as prescribed by section 351.26 of the Revised Code. 17559

(D) No tax shall be levied under this section on or after the 17560

effective date of the amendment of this section by the capital 17561
appropriations act of the 127th general assembly. This division 17562
does not prevent the collection of any tax levied under this 17563
section before that date so long as that tax remains effective. 17564

Sec. 4301.62. (A) As used in this section: 17565

(1) "Chauffeured limousine" means a vehicle registered under 17566
section 4503.24 of the Revised Code. 17567

(2) "Street," "highway," and "motor vehicle" have the same 17568
meanings as in section 4511.01 of the Revised Code. 17569

(B) No person shall have in the person's possession an opened 17570
container of beer or intoxicating liquor in any of the following 17571
circumstances: 17572

(1) In a state liquor store; 17573

(2) Except as provided in division (C) of this section, on 17574
the premises of the holder of any permit issued by the division of 17575
liquor control; 17576

(3) In any other public place; 17577

(4) Except as provided in division (D) or (E) of this 17578
section, while operating or being a passenger in or on a motor 17579
vehicle on any street, highway, or other public or private 17580
property open to the public for purposes of vehicular travel or 17581
parking; 17582

(5) Except as provided in division (D) or (E) of this 17583
section, while being in or on a stationary motor vehicle on any 17584
street, highway, or other public or private property open to the 17585
public for purposes of vehicular travel or parking. 17586

(C)(1) A person may have in the person's possession an opened 17587
container of any of the following: 17588

(a) Beer or intoxicating liquor that has been lawfully 17589

purchased for consumption on the premises where bought from the 17590
holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, 17591
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 17592
D-5k, D-7, D-8, E, F, F-2, or F-5 permit; 17593

(b) Beer, wine, or mixed beverages served for consumption on 17594
the premises by the holder of an F-3 permit or wine served for 17595
consumption on the premises by the holder of an F-4 or F-6 permit; 17596

(c) Beer or intoxicating liquor consumed on the premises of a 17597
convention facility as provided in section 4303.201 of the Revised 17598
Code; 17599

(d) Beer or intoxicating liquor to be consumed during 17600
tastings and samplings approved by rule of the liquor control 17601
commission. 17602

(2) A person may have in the person's possession on an F 17603
liquor permit premises an opened container of beer or intoxicating 17604
liquor that was not purchased from the holder of the F permit if 17605
the premises for which the F permit is issued is a music festival 17606
and the holder of the F permit grants permission for that 17607
possession on the premises during the period for which the F 17608
permit is issued. As used in this division, "music festival" means 17609
a series of outdoor live musical performances, extending for a 17610
period of at least three consecutive days and located on an area 17611
of land of at least forty acres. 17612

(3)(a) A person may have in the person's possession on a D-2 17613
liquor permit premises an opened or unopened container of wine 17614
that was not purchased from the holder of the D-2 permit if the 17615
premises for which the D-2 permit is issued is an outdoor 17616
performing arts center, the person is attending an orchestral 17617
performance, and the holder of the D-2 permit grants permission 17618
for the possession and consumption of wine in certain 17619
predesignated areas of the premises during the period for which 17620

the D-2 permit is issued. 17621

(b) As used in division (C)(3)(a) of this section: 17622

(i) "Orchestral performance" means a concert comprised of a 17623
group of not fewer than forty musicians playing various musical 17624
instruments. 17625

(ii) "Outdoor performing arts center" means an outdoor 17626
performing arts center that is located on not less than eight 17627
hundred acres of land and that is open for performances from the 17628
first day of April to the last day of October of each year. 17629

(D) This section does not apply to a person who pays all or a 17630
portion of the fee imposed for the use of a chauffeured limousine 17631
pursuant to a prearranged contract, or the guest of the person, 17632
when all of the following apply: 17633

(1) The person or guest is a passenger in the limousine. 17634

(2) The person or guest is located in the limousine, but is 17635
not occupying a seat in the front compartment of the limousine 17636
where the operator of the limousine is located. 17637

(3) The limousine is located on any street, highway, or other 17638
public or private property open to the public for purposes of 17639
vehicular travel or parking. 17640

(E) An opened bottle of wine that was purchased from the 17641
holder of a permit that authorizes the sale of wine for 17642
consumption on the premises where sold is not an opened container 17643
for the purposes of this section if both of the following apply: 17644

(1) The opened bottle of wine is securely resealed by the 17645
permit holder or an employee of the permit holder before the 17646
bottle is removed from the premises. The bottle shall be secured 17647
in such a manner that it is visibly apparent if the bottle has 17648
been subsequently opened or tampered with. 17649

(2) The opened bottle of wine that is resealed in accordance 17650

with division (E)(1) of this section is stored in the trunk of a 17651
motor vehicle or, if the motor vehicle does not have a trunk, 17652
behind the last upright seat or in an area not normally occupied 17653
by the driver or passengers and not easily accessible by the 17654
driver. 17655

Sec. 4303.041. An A-3a permit may be issued to a distiller 17656
that manufactures less than ten thousand gallons of spirituous 17657
liquor per year. An A-3a permit holder may sell to a personal 17658
consumer, in sealed containers for consumption off the premises 17659
where manufactured, spirituous liquor that the permit holder 17660
manufactures, but sales to the personal consumer may occur only by 17661
an in-person transaction at the permit premises. The A-3a permit 17662
holder shall not ship, send, or use an H permit holder to deliver 17663
spirituous liquor to the personal consumer. 17664

"Distiller" means a person in this state who mashes, 17665
ferments, distills, and ages spirituous liquor. 17666

Not more than one A-3a permit may be issued per county and 17667
only in a county with a population exceeding eight hundred 17668
thousand. 17669

An A-3a permit holder shall sell not more than one and 17670
one-half liters of spirituous liquor per day from the permit 17671
premises to the same personal consumer. 17672

An A-3a permit holder may sell spirituous liquor in sealed 17673
containers for consumption off the premises where manufactured as 17674
an independent contractor under agreement, by virtue of the 17675
permit, with the division of liquor control. The price at which 17676
the A-3a permit holder shall sell each spirituous liquor product 17677
to a personal consumer is to be determined by the division of 17678
liquor control. For an A-3a permit holder to purchase and then 17679
offer spirituous liquor for retail sale, the spirituous liquor 17680
need not first leave the physical possession of the A-3a permit 17681

holder to be so registered. The spirituous liquor that the A-3a permit holder buys from the division of liquor control shall be maintained in a separate area of the permit premises for sale to personal consumers. The A-3a permit holder shall sell such spirituous liquor in sealed containers for consumption off the premises where manufactured as an independent contractor by virtue of the permit issued by the division of liquor control, but the permit holder shall not be compensated as provided in division (A)(1) of section 4301.17 of the Revised Code. Each A-3a permit holder shall be subject to audit by the division of liquor control.

The fee for the A-3a permit is three thousand nine hundred six dollars for each plant, but if the production capacity of a plant is less than five hundred wine barrels of fifty gallons each annually, the fee is two dollars per barrel.

The holder of an A-3a permit may also exercise the same privileges as the holder of an A-3 permit.

Sec. 4303.182. (A) Except as otherwise provided in divisions (B) to (J) of this section, permit D-6 shall be issued to the holder of an A-1-A, A-2, A-3a, C-2, 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, or D-7 permit to allow sale under that permit between the hours of ten a.m. and midnight, or between the hours of one p.m. and midnight, on Sunday, as applicable, if that sale has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code and under the restrictions of that authorization.

(B) Permit D-6 shall be issued to the holder of any permit, including a D-4a and D-5d permit, authorizing the sale of intoxicating liquor issued for a premises located at any publicly owned airport, as defined in section 4563.01 of the Revised Code,

at which commercial airline companies operate regularly scheduled 17713
flights on which space is available to the public, to allow sale 17714
under such permit between the hours of ten a.m. and midnight on 17715
Sunday, whether or not that sale has been authorized under section 17716
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 17717

(C) Permit D-6 shall be issued to the holder of a D-5a 17718
permit, and to the holder of a D-3 or D-3a permit who is the owner 17719
or operator of a hotel or motel that is required to be licensed 17720
under section 3731.03 of the Revised Code, that contains at least 17721
fifty rooms for registered transient guests, and that has on its 17722
premises a retail food establishment or a food service operation 17723
licensed pursuant to Chapter 3717. of the Revised Code that 17724
operates as a restaurant for purposes of this chapter and is 17725
affiliated with the hotel or motel and within or contiguous to the 17726
hotel or motel and serving food within the hotel or motel, to 17727
allow sale under such permit between the hours of ten a.m. and 17728
midnight on Sunday, whether or not that sale has been authorized 17729
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 17730
Revised Code. 17731

(D) The holder of a D-6 permit that is issued to a sports 17732
facility may make sales under the permit between the hours of 17733
eleven a.m. and midnight on any Sunday on which a professional 17734
baseball, basketball, football, hockey, or soccer game is being 17735
played at the sports facility. As used in this division, "sports 17736
facility" means a stadium or arena that has a seating capacity of 17737
at least four thousand and that is owned or leased by a 17738
professional baseball, basketball, football, hockey, or soccer 17739
franchise or any combination of those franchises. 17740

(E) Permit D-6 shall be issued to the holder of any permit 17741
that authorizes the sale of beer or intoxicating liquor and that 17742
is issued to a premises located in or at the Ohio historical 17743
society area or the state fairgrounds, as defined in division (B) 17744

of section 4301.40 of the Revised Code, to allow sale under that 17745
permit between the hours of ten a.m. and midnight on Sunday, 17746
whether or not that sale has been authorized under section 17747
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 17748

(F) Permit D-6 shall be issued to the holder of any permit 17749
that authorizes the sale of intoxicating liquor and that is issued 17750
to an outdoor performing arts center to allow sale under that 17751
permit between the hours of one p.m. and midnight on Sunday, 17752
whether or not that sale has been authorized under section 17753
4301.361 of the Revised Code. A D-6 permit issued under this 17754
division is subject to the results of an election, held after the 17755
D-6 permit is issued, on question (B)(4) as set forth in section 17756
4301.351 of the Revised Code. Following the end of the period 17757
during which an election may be held on question (B)(4) as set 17758
forth in that section, sales of intoxicating liquor may continue 17759
at an outdoor performing arts center under a D-6 permit issued 17760
under this division, unless an election on that question is held 17761
during the permitted period and a majority of the voters voting in 17762
the precinct on that question vote "no." 17763

As used in this division, "outdoor performing arts center" 17764
means an outdoor performing arts center that is located on not 17765
less than eight hundred acres of land and that is open for 17766
performances from the first day of April to the last day of 17767
October of each year. 17768

(G) Permit D-6 shall be issued to the holder of any permit 17769
that authorizes the sale of beer or intoxicating liquor and that 17770
is issued to a golf course owned by the state, a conservancy 17771
district, a park district created under Chapter 1545. of the 17772
Revised Code, or another political subdivision to allow sale under 17773
that permit between the hours of ten a.m. and midnight on Sunday, 17774
whether or not that sale has been authorized under section 17775
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 17776

(H) Permit D-6 shall be issued to the holder of a D-5g permit 17777
to allow sale under that permit between the hours of ten a.m. and 17778
midnight on Sunday, whether or not that sale has been authorized 17779
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 17780
Revised Code. 17781

(I) Permit D-6 shall be issued to the holder of any D permit 17782
for a premises that is licensed under Chapter 3717. of the Revised 17783
Code and that is located at a ski area to allow sale under the D-6 17784
permit between the hours of ten a.m. and midnight on Sunday, 17785
whether or not that sale has been authorized under section 17786
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 17787

As used in this division, "ski area" means a ski area as 17788
defined in section 4169.01 of the Revised Code, provided that the 17789
passenger tramway operator at that area is registered under 17790
section 4169.03 of the Revised Code. 17791

(J) Permit D-6 shall be issued to the holder of a D-5j permit 17792
for a permit premises that is located in a community entertainment 17793
district, as defined in section 4301.80 of the Revised Code, that 17794
was approved by the legislative authority of a municipal 17795
corporation under that section between October 1 and October 15, 17796
2005, to allow sale under the permit between the hours of ten a.m. 17797
and midnight on Sunday, whether or not that sale has been 17798
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 17799
of the Revised Code. 17800

(K) If the restriction to licensed premises where the sale of 17801
food and other goods and services exceeds fifty per cent of the 17802
total gross receipts of the permit holder at the premises is 17803
applicable, the division of liquor control may accept an affidavit 17804
from the permit holder to show the proportion of the permit 17805
holder's gross receipts derived from the sale of food and other 17806
goods and services. If the liquor control commission determines 17807
that affidavit to have been false, it shall revoke the permits of 17808

the permit holder at the premises concerned. 17809

(L) The fee for the D-6 permit is five hundred dollars when 17810
it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, D-3a, 17811
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 17812
D-5i, D-5j, D-5k, or D-7 permit. The fee for the D-6 permit is 17813
four hundred dollars when it is issued to the holder of a C-2 17814
permit. 17815

Sec. 4510.10. (A) As used in this section, "reinstatement 17816
fees" means the fees that are required under section 4507.1612, 17817
4507.45, 4509.101, 4509.81, 4511.191, 4511.951, or any other 17818
provision of the Revised Code, or under a schedule established by 17819
the bureau of motor vehicles, in order to reinstate a driver's or 17820
commercial driver's license or permit or nonresident operating 17821
privilege of an offender under a suspension. 17822

(B) Reinstatement fees are those fees that compensate the 17823
bureau of motor vehicles for suspensions, cancellations, or 17824
disqualifications of a person's driving privileges and to 17825
compensate the bureau and other agencies in their administration 17826
of programs intended to reduce and eliminate threats to public 17827
safety through education, treatment, and other activities. The 17828
registrar of motor vehicles shall not reinstate a driver's or 17829
commercial driver's license or permit or nonresident operating 17830
privilege of a person until the person has paid all reinstatement 17831
fees and has complied with all conditions for each suspension, 17832
cancellation, or disqualification incurred by that person. 17833

(C) When a municipal court or county court determines in a 17834
pending case involving an offender that the offender cannot 17835
reasonably pay reinstatement fees due and owing by the offender 17836
relative to one or more suspensions that have been or will be 17837
imposed by the bureau of motor vehicles or by a court of this 17838
state, the court, by order, may undertake an installment payment 17839

plan or a payment extension plan for the payment of reinstatement 17840
fees due and owing to the bureau in that pending case. The court 17841
shall establish an installment payment plan or a payment extension 17842
plan under this division in accordance with the requirements of 17843
divisions (D)(1) and (2) of this section. 17844

(D) Independent of the provisions of division (C) of this 17845
section, an offender who cannot reasonably pay reinstatement fees 17846
due and owing by the offender relative to a suspension that has 17847
been imposed on the offender may file a petition in the municipal 17848
court, county court, or, if the person is under the age of 17849
eighteen, the juvenile division of the court of common pleas in 17850
whose jurisdiction the person resides or, if the person is not a 17851
resident of this state, in the Franklin county municipal court or 17852
juvenile division of the Franklin county court of common pleas for 17853
an order that does either of the following, in order of 17854
preference: 17855

(1) Establishes a reasonable payment plan of not less than 17856
fifty dollars per month, to be paid by the offender to the bureau 17857
of motor vehicles in all succeeding months until all reinstatement 17858
fees required of the offender are paid in full; 17859

(2) If the offender, but for the payment of the reinstatement 17860
fees, otherwise would be entitled to operate a vehicle in this 17861
state or to obtain reinstatement of the offender's operating 17862
privileges, permits the offender to operate a motor vehicle, as 17863
authorized by the court, until a future date upon which date all 17864
reinstatement fees must be paid in full. A payment extension 17865
granted under this division shall not exceed one hundred eighty 17866
days, and any operating privileges granted under this division 17867
shall be solely for the purpose of permitting the offender 17868
occupational or "family necessity" privileges in order to enable 17869
the offender to reasonably acquire the delinquent reinstatement 17870
fees due and owing. 17871

~~(D)~~(E) If a municipal court, county court, or juvenile
division enters an order of the type described in division (C) or
division (D)(1) or (2) of this section, the court, at any time
after the issuance of the order, may determine that a change of
circumstances has occurred and may amend the order as justice
requires, provided that the amended order also shall be an order
that is permitted under division (C) or division (D)(1) or (2) of
this section.

~~(E)~~(F) If a court enters an order of the type described in
division (C), (D)(1), ~~(C)~~(D)(2), or ~~(D)~~(E) of this section, during
the pendency of the order, the offender in relation to whom it
applies is not subject to prosecution for failing to pay the
reinstatement fees covered by the order.

~~(F)~~(G) Reinstatement fees are debts that may be discharged in
bankruptcy.

Sec. 4511.01. As used in this chapter and in Chapter 4513. of
the Revised Code:

(A) "Vehicle" means every device, including a motorized
bicycle, in, upon, or by which any person or property may be
transported or drawn upon a highway, except that "vehicle" does
not include any motorized wheelchair, any electric personal
assistive mobility device, any device that is moved by power
collected from overhead electric trolley wires or that is used
exclusively upon stationary rails or tracks, or any device, other
than a bicycle, that is moved by human power.

(B) "Motor vehicle" means every vehicle propelled or drawn by
power other than muscular power or power collected from overhead
electric trolley wires, except motorized bicycles, road rollers,
traction engines, power shovels, power cranes, and other equipment
used in construction work and not designed for or employed in
general highway transportation, hole-digging machinery,

well-drilling machinery, ditch-digging machinery, farm machinery, 17903
and trailers designed and used exclusively to transport a boat 17904
between a place of storage and a marina, or in and around a 17905
marina, when drawn or towed on a street or highway for a distance 17906
of no more than ten miles and at a speed of twenty-five miles per 17907
hour or less. 17908

(C) "Motorcycle" means every motor vehicle, other than a 17909
tractor, having a seat or saddle for the use of the operator and 17910
designed to travel on not more than three wheels in contact with 17911
the ground, including, but not limited to, motor vehicles known as 17912
"motor-driven cycle," "motor scooter," or "motorcycle" without 17913
regard to weight or brake horsepower. 17914

(D) "Emergency vehicle" means emergency vehicles of 17915
municipal, township, or county departments or public utility 17916
corporations when identified as such as required by law, the 17917
director of public safety, or local authorities, and motor 17918
vehicles when commandeered by a police officer. 17919

(E) "Public safety vehicle" means any of the following: 17920

(1) Ambulances, including private ambulance companies under 17921
contract to a municipal corporation, township, or county, and 17922
private ambulances and nontransport vehicles bearing license 17923
plates issued under section 4503.49 of the Revised Code; 17924

(2) Motor vehicles used by public law enforcement officers or 17925
other persons sworn to enforce the criminal and traffic laws of 17926
the state; 17927

(3) Any motor vehicle when properly identified as required by 17928
the director of public safety, when used in response to fire 17929
emergency calls or to provide emergency medical service to ill or 17930
injured persons, and when operated by a duly qualified person who 17931
is a member of a volunteer rescue service or a volunteer fire 17932
department, and who is on duty pursuant to the rules or directives 17933

of that service. The state fire marshal shall be designated by the 17934
director of public safety as the certifying agency for all public 17935
safety vehicles described in division (E)(3) of this section. 17936

(4) Vehicles used by fire departments, including motor 17937
vehicles when used by volunteer fire fighters responding to 17938
emergency calls in the fire department service when identified as 17939
required by the director of public safety. 17940

Any vehicle used to transport or provide emergency medical 17941
service to an ill or injured person, when certified as a public 17942
safety vehicle, shall be considered a public safety vehicle when 17943
transporting an ill or injured person to a hospital regardless of 17944
whether such vehicle has already passed a hospital. 17945

(5) Vehicles used by the motor carrier enforcement unit for 17946
the enforcement of orders and rules of the public utilities 17947
commission as specified in section 5503.34 of the Revised Code. 17948

(F) "School bus" means every bus designed for carrying more 17949
than nine passengers that is owned by a public, private, or 17950
governmental agency or institution of learning and operated for 17951
the transportation of children to or from a school session or a 17952
school function, or owned by a private person and operated for 17953
compensation for the transportation of children to or from a 17954
school session or a school function, provided "school bus" does 17955
not include a bus operated by a municipally owned transportation 17956
system, a mass transit company operating exclusively within the 17957
territorial limits of a municipal corporation, or within such 17958
limits and the territorial limits of municipal corporations 17959
immediately contiguous to such municipal corporation, nor a common 17960
passenger carrier certified by the public utilities commission 17961
unless such bus is devoted exclusively to the transportation of 17962
children to and from a school session or a school function, and 17963
"school bus" does not include a van or bus used by a licensed 17964
child day-care center or type A family day-care home to transport 17965

children from the child day-care center or type A family day-care 17966
home to a school if the van or bus does not have more than fifteen 17967
children in the van or bus at any time. 17968

(G) "Bicycle" means every device, other than a tricycle 17969
designed solely for use as a play vehicle by a child, propelled 17970
solely by human power upon which any person may ride having either 17971
two tandem wheels, or one wheel in the front and two wheels in the 17972
rear, any of which is more than fourteen inches in diameter. 17973

(H) "Motorized bicycle" means any vehicle having either two 17974
tandem wheels or one wheel in the front and two wheels in the 17975
rear, that is capable of being pedaled and is equipped with a 17976
helper motor of not more than fifty cubic centimeters piston 17977
displacement that produces no more than one brake horsepower and 17978
is capable of propelling the vehicle at a speed of no greater than 17979
twenty miles per hour on a level surface. 17980

(I) "Commercial tractor" means every motor vehicle having 17981
motive power designed or used for drawing other vehicles and not 17982
so constructed as to carry any load thereon, or designed or used 17983
for drawing other vehicles while carrying a portion of such other 17984
vehicles, or load thereon, or both. 17985

(J) "Agricultural tractor" means every self-propelling 17986
vehicle designed or used for drawing other vehicles or wheeled 17987
machinery but having no provision for carrying loads independently 17988
of such other vehicles, and used principally for agricultural 17989
purposes. 17990

(K) "Truck" means every motor vehicle, except trailers and 17991
semitrailers, designed and used to carry property. 17992

(L) "Bus" means every motor vehicle designed for carrying 17993
more than nine passengers and used for the transportation of 17994
persons other than in a ridesharing arrangement, and every motor 17995
vehicle, automobile for hire, or funeral car, other than a taxicab 17996

or motor vehicle used in a ridesharing arrangement, designed and 17997
used for the transportation of persons for compensation. 17998

(M) "Trailer" means every vehicle designed or used for 17999
carrying persons or property wholly on its own structure and for 18000
being drawn by a motor vehicle, including any such vehicle when 18001
formed by or operated as a combination of a "semitrailer" and a 18002
vehicle of the dolly type, such as that commonly known as a 18003
"trailer dolly," a vehicle used to transport agricultural produce 18004
or agricultural production materials between a local place of 18005
storage or supply and the farm when drawn or towed on a street or 18006
highway at a speed greater than twenty-five miles per hour, and a 18007
vehicle designed and used exclusively to transport a boat between 18008
a place of storage and a marina, or in and around a marina, when 18009
drawn or towed on a street or highway for a distance of more than 18010
ten miles or at a speed of more than twenty-five miles per hour. 18011

(N) "Semitrailer" means every vehicle designed or used for 18012
carrying persons or property with another and separate motor 18013
vehicle so that in operation a part of its own weight or that of 18014
its load, or both, rests upon and is carried by another vehicle. 18015

(O) "Pole trailer" means every trailer or semitrailer 18016
attached to the towing vehicle by means of a reach, pole, or by 18017
being boomed or otherwise secured to the towing vehicle, and 18018
ordinarily used for transporting long or irregular shaped loads 18019
such as poles, pipes, or structural members capable, generally, of 18020
sustaining themselves as beams between the supporting connections. 18021

(P) "Railroad" means a carrier of persons or property 18022
operating upon rails placed principally on a private right-of-way. 18023

(Q) "Railroad train" means a steam engine or an electric or 18024
other motor, with or without cars coupled thereto, operated by a 18025
railroad. 18026

(R) "Streetcar" means a car, other than a railroad train, for 18027

transporting persons or property, operated upon rails principally 18028
within a street or highway. 18029

(S) "Trackless trolley" means every car that collects its 18030
power from overhead electric trolley wires and that is not 18031
operated upon rails or tracks. 18032

(T) "Explosives" means any chemical compound or mechanical 18033
mixture that is intended for the purpose of producing an explosion 18034
that contains any oxidizing and combustible units or other 18035
ingredients in such proportions, quantities, or packing that an 18036
ignition by fire, by friction, by concussion, by percussion, or by 18037
a detonator of any part of the compound or mixture may cause such 18038
a sudden generation of highly heated gases that the resultant 18039
gaseous pressures are capable of producing destructive effects on 18040
contiguous objects, or of destroying life or limb. Manufactured 18041
articles shall not be held to be explosives when the individual 18042
units contain explosives in such limited quantities, of such 18043
nature, or in such packing, that it is impossible to procure a 18044
simultaneous or a destructive explosion of such units, to the 18045
injury of life, limb, or property by fire, by friction, by 18046
concussion, by percussion, or by a detonator, such as fixed 18047
ammunition for small arms, firecrackers, or safety fuse matches. 18048

(U) "Flammable liquid" means any liquid that has a flash 18049
point of seventy degrees fahrenheit, or less, as determined by a 18050
tagliabue or equivalent closed cup test device. 18051

(V) "Gross weight" means the weight of a vehicle plus the 18052
weight of any load thereon. 18053

(W) "Person" means every natural person, firm, 18054
co-partnership, association, or corporation. 18055

(X) "Pedestrian" means any natural person afoot. 18056

(Y) "Driver or operator" means every person who drives or is 18057
in actual physical control of a vehicle, trackless trolley, or 18058

streetcar. 18059

(Z) "Police officer" means every officer authorized to direct 18060
or regulate traffic, or to make arrests for violations of traffic 18061
regulations. 18062

(AA) "Local authorities" means every county, municipal, and 18063
other local board or body having authority to adopt police 18064
regulations under the constitution and laws of this state. 18065

(BB) "Street" or "highway" means the entire width between the 18066
boundary lines of every way open to the use of the public as a 18067
thoroughfare for purposes of vehicular travel. 18068

(CC) "Controlled-access highway" means every street or 18069
highway in respect to which owners or occupants of abutting lands 18070
and other persons have no legal right of access to or from the 18071
same except at such points only and in such manner as may be 18072
determined by the public authority having jurisdiction over such 18073
street or highway. 18074

(DD) "Private road or driveway" means every way or place in 18075
private ownership used for vehicular travel by the owner and those 18076
having express or implied permission from the owner but not by 18077
other persons. 18078

(EE) "Roadway" means that portion of a highway improved, 18079
designed, or ordinarily used for vehicular travel, except the berm 18080
or shoulder. If a highway includes two or more separate roadways 18081
the term "roadway" means any such roadway separately but not all 18082
such roadways collectively. 18083

(FF) "Sidewalk" means that portion of a street between the 18084
curb lines, or the lateral lines of a roadway, and the adjacent 18085
property lines, intended for the use of pedestrians. 18086

(GG) "Laned highway" means a highway the roadway of which is 18087
divided into two or more clearly marked lanes for vehicular 18088

traffic.	18089
(HH) "Through highway" means every street or highway as provided in section 4511.65 of the Revised Code.	18090 18091
(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.	18092 18093 18094 18095 18096 18097 18098
(JJ) "State route" means every highway that is designated with an official state route number and so marked.	18099 18100
(KK) "Intersection" means:	18101
(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.	18102 18103 18104 18105 18106 18107
(2) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. If an intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.	18108 18109 18110 18111 18112 18113 18114
(3) The junction of an alley with a street or highway, or with another alley, shall not constitute an intersection.	18115 18116
(LL) "Crosswalk" means:	18117
(1) That part of a roadway at intersections ordinarily	18118

included within the real or projected prolongation of property 18119
lines and curb lines or, in the absence of curbs, the edges of the 18120
traversable roadway; 18121

(2) Any portion of a roadway at an intersection or elsewhere, 18122
distinctly indicated for pedestrian crossing by lines or other 18123
markings on the surface; 18124

(3) Notwithstanding divisions (LL)(1) and (2) of this 18125
section, there shall not be a crosswalk where local authorities 18126
have placed signs indicating no crossing. 18127

(MM) "Safety zone" means the area or space officially set 18128
apart within a roadway for the exclusive use of pedestrians and 18129
protected or marked or indicated by adequate signs as to be 18130
plainly visible at all times. 18131

(NN) "Business district" means the territory fronting upon a 18132
street or highway, including the street or highway, between 18133
successive intersections within municipal corporations where fifty 18134
per cent or more of the frontage between such successive 18135
intersections is occupied by buildings in use for business, or 18136
within or outside municipal corporations where fifty per cent or 18137
more of the frontage for a distance of three hundred feet or more 18138
is occupied by buildings in use for business, and the character of 18139
such territory is indicated by official traffic control devices. 18140

(OO) "Residence district" means the territory, not comprising 18141
a business district, fronting on a street or highway, including 18142
the street or highway, where, for a distance of three hundred feet 18143
or more, the frontage is improved with residences or residences 18144
and buildings in use for business. 18145

(PP) "Urban district" means the territory contiguous to and 18146
including any street or highway which is built up with structures 18147
devoted to business, industry, or dwelling houses situated at 18148
intervals of less than one hundred feet for a distance of a 18149

quarter of a mile or more, and the character of such territory is 18150
indicated by official traffic control devices. 18151

(QQ) "Traffic control devices" means all flaggers, signs, 18152
signals, markings, and devices placed or erected by authority of a 18153
public body or official having jurisdiction, for the purpose of 18154
regulating, warning, or guiding traffic, including signs denoting 18155
names of streets and highways. 18156

(RR) "Traffic control signal" means any device, whether 18157
manually, electrically, or mechanically operated, by which traffic 18158
is alternately directed to stop, to proceed, to change direction, 18159
or not to change direction. 18160

(SS) "Railroad sign or signal" means any sign, signal, or 18161
device erected by authority of a public body or official or by a 18162
railroad and intended to give notice of the presence of railroad 18163
tracks or the approach of a railroad train. 18164

(TT) "Traffic" means pedestrians, ridden or herded animals, 18165
vehicles, streetcars, trackless trolleys, and other devices, 18166
either singly or together, while using any highway for purposes of 18167
travel. 18168

(UU) "Right-of-way" means either of the following, as the 18169
context requires: 18170

(1) The right of a vehicle, streetcar, trackless trolley, or 18171
pedestrian to proceed uninterruptedly in a lawful manner in the 18172
direction in which it or the individual is moving in preference to 18173
another vehicle, streetcar, trackless trolley, or pedestrian 18174
approaching from a different direction into its or the 18175
individual's path; 18176

(2) A general term denoting land, property, or the interest 18177
therein, usually in the configuration of a strip, acquired for or 18178
devoted to transportation purposes. When used in this context, 18179
right-of-way includes the roadway, shoulders or berm, ditch, and 18180

slopes extending to the right-of-way limits under the control of 18181
the state or local authority. 18182

(VV) "Rural mail delivery vehicle" means every vehicle used 18183
to deliver United States mail on a rural mail delivery route. 18184

(WW) "Funeral escort vehicle" means any motor vehicle, 18185
including a funeral hearse, while used to facilitate the movement 18186
of a funeral procession. 18187

(XX) "Alley" means a street or highway intended to provide 18188
access to the rear or side of lots or buildings in urban districts 18189
and not intended for the purpose of through vehicular traffic, and 18190
includes any street or highway that has been declared an "alley" 18191
by the legislative authority of the municipal corporation in which 18192
such street or highway is located. 18193

(YY) "Freeway" means a divided multi-lane highway for through 18194
traffic with all crossroads separated in grade and with full 18195
control of access. 18196

(ZZ) "Expressway" means a divided arterial highway for 18197
through traffic with full or partial control of access with an 18198
excess of fifty per cent of all crossroads separated in grade. 18199

(AAA) "Thruway" means a through highway whose entire roadway 18200
is reserved for through traffic and on which roadway parking is 18201
prohibited. 18202

(BBB) "Stop intersection" means any intersection at one or 18203
more entrances of which stop signs are erected. 18204

(CCC) "Arterial street" means any United States or state 18205
numbered route, controlled access highway, or other major radial 18206
or circumferential street or highway designated by local 18207
authorities within their respective jurisdictions as part of a 18208
major arterial system of streets or highways. 18209

(DDD) "Ridesharing arrangement" means the transportation of 18210

persons in a motor vehicle where such transportation is incidental 18211
to another purpose of a volunteer driver and includes ridesharing 18212
arrangements known as carpools, vanpools, and buspools. 18213

(EEE) "Motorized wheelchair" means any self-propelled vehicle 18214
designed for, and used by, a handicapped person and that is 18215
incapable of a speed in excess of eight miles per hour. 18216

(FFF) "Child day-care center" and "type A family day-care 18217
home" have the same meanings as in section 5104.01 of the Revised 18218
Code. 18219

(GGG) "Multi-wheel agricultural tractor" means a type of 18220
agricultural tractor that has two or more wheels or tires on each 18221
side of one axle at the rear of the tractor, is designed or used 18222
for drawing other vehicles or wheeled machinery, has no provision 18223
for carrying loads independently of the drawn vehicles or 18224
machinery, and is used principally for agricultural purposes. 18225

(HHH) "Operate" means to cause or have caused movement of a 18226
vehicle, streetcar, or trackless trolley. 18227

(III) "Predicate motor vehicle or traffic offense" means any 18228
of the following: 18229

(1) A violation of section 4511.03, 4511.051, 4511.12, 18230
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 18231
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 18232
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 18233
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 18234
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 18235
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 18236
4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 18237
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 18238
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 18239
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 18240

(2) A violation of division (A)(2) of section 4511.17, 18241

divisions (A) to (D) of section 4511.51, or division (A) of 18242
section 4511.74 of the Revised Code; 18243

(3) A violation of any provision of sections 4511.01 to 18244
4511.76 of the Revised Code for which no penalty otherwise is 18245
provided in the section that contains the provision violated; 18246

(4) A violation of a municipal ordinance that is 18247
substantially similar to any section or provision set forth or 18248
described in division (III)(1), (2), or (3) of this section. 18249

Sec. 4511.101. (A) There is hereby created in the state 18250
treasury the motorist service sign fund, which shall consist of 18251
proceeds from the business logo sign program established under 18252
this section. The director of transportation shall use money 18253
credited to the fund for transportation purposes, including 18254
transportation infrastructure. 18255

(B) The director of transportation, in accordance with 23 18256
U.S.C.A. 109(d), 131(f), and 315, as amended, shall establish a 18257
program for the placement of business logos for identification 18258
purposes on state directional signs within the rights-of-way of 18259
divided, multi-lane, limited access highways in both rural and 18260
urban areas. 18261

~~(B)~~(C) The director shall establish, and may revise at any 18262
time, a fee for participation in the business logo sign program. 18263
All direct and indirect costs of the business logo sign program 18264
established pursuant to this section shall be fully paid by the 18265
businesses applying for participation in the program. ~~At any 18266~~
~~interchange where a business logo sign is erected, such costs 18267~~
~~shall be divided equally among the participating businesses.~~ The 18268
direct and indirect costs of the program shall include, but not be 18269
limited to, the cost of capital, directional signs, blanks, posts, 18270
logos, installation, repair, engineering, design, insurance, 18271
removal, replacement, and administration. Money collected from 18272

participating businesses in excess of the direct and indirect 18273
costs and any reasonable profit earned by a person awarded a 18274
contract under division (D) of this section shall be retained by, 18275
or remitted to, the department and deposited to the credit of the 18276
motorist service sign fund. Nothing in this chapter shall be 18277
construed to prohibit the director from establishing such a 18278
program. 18279

~~(C)~~(D) The director, in accordance with rules adopted 18280
pursuant to Chapter 119. of the Revised Code, may contract with 18281
any private person to operate, maintain, ~~and~~ or market the 18282
business logo sign program. The ~~rules shall describe the terms of~~ 18283
~~the contract, and shall~~ may allow for a reasonable profit to be 18284
earned by the successful applicant. In awarding the contract, the 18285
director shall consider the skill, expertise, prior experience, 18286
and other qualifications of each applicant. 18287

~~(D)~~(E) As used in this section, "urban area" means an area 18288
having a population of fifty thousand or more according to the 18289
most recent federal census and designated as such on urban maps 18290
prepared by the department. 18291

~~(E)~~ ~~Neither~~ (F) In implementing this section, neither the 18292
department nor the director shall do either of the following: 18293

(1) Limit the right of any person to erect, maintain, repair, 18294
remove, or utilize any off-premises or on-premises advertising 18295
device; 18296

(2) Make participation in the business logo sign program 18297
conditional upon a business agreeing to limit, discontinue, 18298
withdraw, modify, alter, or change any advertising or sign. 18299

~~(F)~~(G) The program shall permit the business logo signs of a 18300
seller of motor vehicle fuel to include on the seller's signs a 18301
marking or symbol indicating that the seller sells one or more 18302
types of alternative fuel so long as the seller in fact sells that 18303

fuel. 18304

As used in this division, "alternative fuel" has the same 18305
meaning as in section 125.831 of the Revised Code. 18306

Sec. 4511.181. As used in sections 4511.181 to 4511.197 of 18307
the Revised Code: 18308

(A) "Equivalent offense" means any of the following: 18309

(1) A violation of division (A) or (B) of section 4511.19 of 18310
the Revised Code; 18311

(2) A violation of a municipal OVI ordinance; 18312

(3) A violation of section 2903.04 of the Revised Code in a 18313
case in which the offender was subject to the sanctions described 18314
in division (D) of that section; 18315

(4) A violation of division (A)(1) of section 2903.06 or 18316
2903.08 of the Revised Code or a municipal ordinance that is 18317
substantially equivalent to either of those divisions; 18318

(5) A violation of division (A)(2), (3), or (4) of section 18319
2903.06, division (A)(2) of section 2903.08, or former section 18320
2903.07 of the Revised Code, or a municipal ordinance that is 18321
substantially equivalent to any of those divisions or that former 18322
section, in a case in which a judge or jury as the trier of fact 18323
found that the offender was under the influence of alcohol, a drug 18324
of abuse, or a combination of them; 18325

(6) A violation of an existing or former municipal ordinance, 18326
law of another state, or law of the United States that is 18327
substantially equivalent to division (A) or (B) of section 4511.19 18328
of the Revised Code; 18329

(7) A violation of a former law of this state that was 18330
substantially equivalent to division (A) or (B) of section 4511.19 18331
of the Revised Code. 18332

(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:

(1) Except as specifically authorized under section 4511.19 of the Revised Code, the term must be served in a jail.

(2) Except as specifically authorized under section 4511.19 of the Revised Code, the term cannot be suspended, reduced, or otherwise modified pursuant to sections 2929.21 to 2929.28 or any other provision of the Revised Code.

(C) "Municipal OVI ordinance" and "municipal OVI offense" mean any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine.

(D) "Community residential sanction," "continuous alcohol monitoring," "jail," "mandatory prison term," "mandatory term of local incarceration," "sanction," and "prison term" have the same meanings as in section 2929.01 of the Revised Code.

(E) "Drug of abuse" has the same meaning as in section 4506.01 of the Revised Code.

Sec. 4511.191. (A)(1) As used in this section:

(a) "Physical control" has the same meaning as in section 4511.194 of the Revised Code.

(b) "Alcohol monitoring device" means any device that provides for continuous alcohol monitoring, any ignition interlock

device, any immobilizing or disabling device other than an 18363
ignition interlock device that is constantly available to monitor 18364
the concentration of alcohol in a person's system, or any other 18365
device that provides for the automatic testing and periodic 18366
reporting of alcohol consumption by a person and that a court 18367
orders a person to use as a sanction imposed as a result of the 18368
person's conviction of or plea of guilty to an offense. 18369

(2) Any person who operates a vehicle, streetcar, or 18370
trackless trolley upon a highway or any public or private property 18371
used by the public for vehicular travel or parking within this 18372
state or who is in physical control of a vehicle, streetcar, or 18373
trackless trolley shall be deemed to have given consent to a 18374
chemical test or tests of the person's whole blood, blood serum or 18375
plasma, breath, or urine to determine the alcohol, drug of abuse, 18376
controlled substance, metabolite of a controlled substance, or 18377
combination content of the person's whole blood, blood serum or 18378
plasma, breath, or urine if arrested for a violation of division 18379
(A) or (B) of section 4511.19 of the Revised Code, section 18380
4511.194 of the Revised Code or a substantially equivalent 18381
municipal ordinance, or a municipal OVI ordinance. 18382

(3) The chemical test or tests under division (A)(2) of this 18383
section shall be administered at the request of a law enforcement 18384
officer having reasonable grounds to believe the person was 18385
operating or in physical control of a vehicle, streetcar, or 18386
trackless trolley in violation of a division, section, or 18387
ordinance identified in division (A)(2) of this section. The law 18388
enforcement agency by which the officer is employed shall 18389
designate which of the tests shall be administered. 18390

(4) Any person who is dead or unconscious, or who otherwise 18391
is in a condition rendering the person incapable of refusal, shall 18392
be deemed to have consented as provided in division (A)(2) of this 18393
section, and the test or tests may be administered, subject to 18394

sections 313.12 to 313.16 of the Revised Code. 18395

(B)(1) Upon receipt of the sworn report of a law enforcement 18396
officer who arrested a person for a violation of division (A) or 18397
(B) of section 4511.19 of the Revised Code, section 4511.194 of 18398
the Revised Code or a substantially equivalent municipal 18399
ordinance, or a municipal OVI ordinance that was completed and 18400
sent to the registrar and a court pursuant to section 4511.192 of 18401
the Revised Code in regard to a person who refused to take the 18402
designated chemical test, the registrar shall enter into the 18403
registrar's records the fact that the person's driver's or 18404
commercial driver's license or permit or nonresident operating 18405
privilege was suspended by the arresting officer under this 18406
division and that section and the period of the suspension, as 18407
determined under this section. The suspension shall be subject to 18408
appeal as provided in section 4511.197 of the Revised Code. The 18409
suspension shall be for whichever of the following periods 18410
applies: 18411

(a) Except when division (B)(1)(b), (c), or (d) of this 18412
section applies and specifies a different class or length of 18413
suspension, the suspension shall be a class C suspension for the 18414
period of time specified in division (B)(3) of section 4510.02 of 18415
the Revised Code. 18416

(b) If the arrested person, within six years of the date on 18417
which the person refused the request to consent to the chemical 18418
test, had refused one previous request to consent to a chemical 18419
test, the suspension shall be a class B suspension imposed for the 18420
period of time specified in division (B)(2) of section 4510.02 of 18421
the Revised Code. 18422

(c) If the arrested person, within six years of the date on 18423
which the person refused the request to consent to the chemical 18424
test, had refused two previous requests to consent to a chemical 18425
test, the suspension shall be a class A suspension imposed for the 18426

period of time specified in division (B)(1) of section 4510.02 of the Revised Code. 18427
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(d) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused three or more previous requests to consent to a chemical test, the suspension shall be for five years. 18429
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(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (B)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial. 18433
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The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (B)(1) of this section. 18444
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(C)(1) Upon receipt of the sworn report of the law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in 18451
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division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A)(1)(j) of section 4511.19 of the Revised Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (F)(1) to (4) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C)(1)(b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code if the person has been convicted of or pleaded guilty to, within six years of the date the test was conducted, one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense.

(c) If, within six years of the date the test was conducted, 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 18491
(B)(2) of section 4510.02 of the Revised Code. 18492

(d) If, within six years of the date the test was conducted, 18493
the person has been convicted of or pleaded guilty to more than 18494
two violations of a statute or ordinance described in division 18495
(C)(1)(b) of this section, the suspension shall be a class A 18496
suspension imposed for the period of time specified in division 18497
(B)(1) of section 4510.02 of the Revised Code. 18498

(2) The registrar shall terminate a suspension of the 18499
driver's or commercial driver's license or permit of a resident or 18500
of the operating privilege of a nonresident, or a denial of a 18501
driver's or commercial driver's license or permit, imposed 18502
pursuant to division (C)(1) of this section upon receipt of notice 18503
that the person has entered a plea of guilty to, or that the 18504
person has been convicted after entering a plea of no contest to, 18505
operating a vehicle in violation of section 4511.19 of the Revised 18506
Code or in violation of a municipal OVI ordinance, if the offense 18507
for which the conviction is had or the plea is entered arose from 18508
the same incident that led to the suspension or denial. 18509

The registrar shall credit against any judicial suspension of 18510
a person's driver's or commercial driver's license or permit or 18511
nonresident operating privilege imposed pursuant to section 18512
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 18513
Revised Code for a violation of a municipal OVI ordinance, any 18514
time during which the person serves a related suspension imposed 18515
pursuant to division (C)(1) of this section. 18516

(D)(1) A suspension of a person's driver's or commercial 18517
driver's license or permit or nonresident operating privilege 18518
under this section for the time described in division (B) or (C) 18519
of this section is effective immediately from the time at which 18520
the arresting officer serves the notice of suspension upon the 18521
arrested person. Any subsequent finding that the person is not 18522

guilty of the charge that resulted in the person being requested 18523
to take the chemical test or tests under division (A) of this 18524
section does not affect the suspension. 18525

(2) If a person is arrested for operating a vehicle, 18526
streetcar, or trackless trolley in violation of division (A) or 18527
(B) of section 4511.19 of the Revised Code or a municipal OVI 18528
ordinance, or for being in physical control of a vehicle, 18529
streetcar, or trackless trolley in violation of section 4511.194 18530
of the Revised Code or a substantially equivalent municipal 18531
ordinance, regardless of whether the person's driver's or 18532
commercial driver's license or permit or nonresident operating 18533
privilege is or is not suspended under division (B) or (C) of this 18534
section or Chapter 4510. of the Revised Code, the person's initial 18535
appearance on the charge resulting from the arrest shall be held 18536
within five days of the person's arrest or the issuance of the 18537
citation to the person, subject to any continuance granted by the 18538
court pursuant to section 4511.197 of the Revised Code regarding 18539
the issues specified in that division. 18540

(E) When it finally has been determined under the procedures 18541
of this section and sections 4511.192 to 4511.197 of the Revised 18542
Code that a nonresident's privilege to operate a vehicle within 18543
this state has been suspended, the registrar shall give 18544
information in writing of the action taken to the motor vehicle 18545
administrator of the state of the person's residence and of any 18546
state in which the person has a license. 18547

(F) At the end of a suspension period under this section, 18548
under section 4511.194, section 4511.196, or division (G) of 18549
section 4511.19 of the Revised Code, or under section 4510.07 of 18550
the Revised Code for a violation of a municipal OVI ordinance and 18551
upon the request of the person whose driver's or commercial 18552
driver's license or permit was suspended and who is not otherwise 18553
subject to suspension, cancellation, or disqualification, the 18554

registrar shall return the driver's or commercial driver's license 18555
or permit to the person upon the occurrence of all of the 18556
conditions specified in divisions (F)(1) and (2) of this section: 18557

(1) A showing that the person has proof of financial 18558
responsibility, a policy of liability insurance in effect that 18559
meets the minimum standards set forth in section 4509.51 of the 18560
Revised Code, or proof, to the satisfaction of the registrar, that 18561
the person is able to respond in damages in an amount at least 18562
equal to the minimum amounts specified in section 4509.51 of the 18563
Revised Code. 18564

(2) Subject to the limitation contained in division (F)(3) of 18565
this section, payment by the person to the bureau of motor 18566
vehicles of a license reinstatement fee of four hundred 18567
twenty-five dollars, which fee shall be deposited in the state 18568
treasury and credited as follows: 18569

(a) One hundred twelve dollars and fifty cents shall be 18570
credited to the statewide treatment and prevention fund created by 18571
section 4301.30 of the Revised Code. The fund shall be used to pay 18572
the costs of driver treatment and intervention programs operated 18573
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 18574
director of alcohol and drug addiction services shall determine 18575
the share of the fund that is to be allocated to alcohol and drug 18576
addiction programs authorized by section 3793.02 of the Revised 18577
Code, and the share of the fund that is to be allocated to 18578
drivers' intervention programs authorized by section 3793.10 of 18579
the Revised Code. 18580

(b) Seventy-five dollars shall be credited to the reparations 18581
fund created by section 2743.191 of the Revised Code. 18582

(c) Thirty-seven dollars and fifty cents shall be credited to 18583
the indigent drivers alcohol treatment fund, which is hereby 18584
established. Except as otherwise provided in division (F)(2)(c) of 18585

this section, moneys in the fund shall be distributed by the 18586
department of alcohol and drug addiction services to the county 18587
indigent drivers alcohol treatment funds, the county juvenile 18588
indigent drivers alcohol treatment funds, and the municipal 18589
indigent drivers alcohol treatment funds that are required to be 18590
established by counties and municipal corporations pursuant to 18591
this section, and shall be used only to pay the cost of an alcohol 18592
and drug addiction treatment program attended by an offender or 18593
juvenile traffic offender who is ordered to attend an alcohol and 18594
drug addiction treatment program by a county, juvenile, or 18595
municipal court judge and who is determined by the county, 18596
juvenile, or municipal court judge not to have the means to pay 18597
for the person's attendance at the program or to pay the costs 18598
specified in division (H)(4) of this section in accordance with 18599
that division. In addition, a county, juvenile, or municipal court 18600
judge may use moneys in the county indigent drivers alcohol 18601
treatment fund, county juvenile indigent drivers alcohol treatment 18602
fund, or municipal indigent drivers alcohol treatment fund to pay 18603
for the cost of the continued use of an ~~electronic continuous~~ 18604
alcohol monitoring device as described in divisions (H)(3) and (4) 18605
of this section. Moneys in the fund that are not distributed to a 18606
county indigent drivers alcohol treatment fund, a county juvenile 18607
indigent drivers alcohol treatment fund, or a municipal indigent 18608
drivers alcohol treatment fund under division (H) of this section 18609
because the director of alcohol and drug addiction services does 18610
not have the information necessary to identify the county or 18611
municipal corporation where the offender or juvenile offender was 18612
arrested may be transferred by the director of budget and 18613
management to the statewide treatment and prevention fund created 18614
by section 4301.30 of the Revised Code, upon certification of the 18615
amount by the director of alcohol and drug addiction services. 18616

(d) Seventy-five dollars shall be credited to the Ohio 18617
rehabilitation services commission established by section 3304.12 18618

of the Revised Code, to the services for rehabilitation fund, 18619
which is hereby established. The fund shall be used to match 18620
available federal matching funds where appropriate, and for any 18621
other purpose or program of the commission to rehabilitate people 18622
with disabilities to help them become employed and independent. 18623

(e) Seventy-five dollars shall be deposited into the state 18624
treasury and credited to the drug abuse resistance education 18625
programs fund, which is hereby established, to be used by the 18626
attorney general for the purposes specified in division (F)(4) of 18627
this section. 18628

(f) Thirty dollars shall be credited to the state bureau of 18629
motor vehicles fund created by section 4501.25 of the Revised 18630
Code. 18631

(g) Twenty dollars shall be credited to the trauma and 18632
emergency medical services grants fund created by section 4513.263 18633
of the Revised Code. 18634

(3) If a person's driver's or commercial driver's license or 18635
permit is suspended under this section, under section 4511.196 or 18636
division (G) of section 4511.19 of the Revised Code, under section 18637
4510.07 of the Revised Code for a violation of a municipal OVI 18638
ordinance or under any combination of the suspensions described in 18639
division (F)(3) of this section, and if the suspensions arise from 18640
a single incident or a single set of facts and circumstances, the 18641
person is liable for payment of, and shall be required to pay to 18642
the bureau, only one reinstatement fee of four hundred twenty-five 18643
dollars. The reinstatement fee shall be distributed by the bureau 18644
in accordance with division (F)(2) of this section. 18645

(4) The attorney general shall use amounts in the drug abuse 18646
resistance education programs fund to award grants to law 18647
enforcement agencies to establish and implement drug abuse 18648
resistance education programs in public schools. Grants awarded to 18649

a law enforcement agency under this section shall be used by the 18650
agency to pay for not more than fifty per cent of the amount of 18651
the salaries of law enforcement officers who conduct drug abuse 18652
resistance education programs in public schools. The attorney 18653
general shall not use more than six per cent of the amounts the 18654
attorney general's office receives under division (F)(2)(e) of 18655
this section to pay the costs it incurs in administering the grant 18656
program established by division (F)(2)(e) of this section and in 18657
providing training and materials relating to drug abuse resistance 18658
education programs. 18659

The attorney general shall report to the governor and the 18660
general assembly each fiscal year on the progress made in 18661
establishing and implementing drug abuse resistance education 18662
programs. These reports shall include an evaluation of the 18663
effectiveness of these programs. 18664

(G) Suspension of a commercial driver's license under 18665
division (B) or (C) of this section shall be concurrent with any 18666
period of disqualification under section 3123.611 or 4506.16 of 18667
the Revised Code or any period of suspension under section 3123.58 18668
of the Revised Code. No person who is disqualified for life from 18669
holding a commercial driver's license under section 4506.16 of the 18670
Revised Code shall be issued a driver's license under Chapter 18671
4507. of the Revised Code during the period for which the 18672
commercial driver's license was suspended under division (B) or 18673
(C) of this section. No person whose commercial driver's license 18674
is suspended under division (B) or (C) of this section shall be 18675
issued a driver's license under Chapter 4507. of the Revised Code 18676
during the period of the suspension. 18677

(H)(1) Each county shall establish an indigent drivers 18678
alcohol treatment fund, each county shall establish a juvenile 18679
indigent drivers alcohol treatment fund, and each municipal 18680
corporation in which there is a municipal court shall establish an 18681

indigent drivers alcohol treatment fund. All revenue that the 18682
general assembly appropriates to the indigent drivers alcohol 18683
treatment fund for transfer to a county indigent drivers alcohol 18684
treatment fund, a county juvenile indigent drivers alcohol 18685
treatment fund, or a municipal indigent drivers alcohol treatment 18686
fund, all portions of fees that are paid under division (F) of 18687
this section and that are credited under that division to the 18688
indigent drivers alcohol treatment fund in the state treasury for 18689
a county indigent drivers alcohol treatment fund, a county 18690
juvenile indigent drivers alcohol treatment fund, or a municipal 18691
indigent drivers alcohol treatment fund, all portions of 18692
additional costs imposed under section 2949.094 of the Revised 18693
Code that are specified for deposit into a county, county 18694
juvenile, or municipal indigent drivers alcohol treatment fund by 18695
that section, and all portions of fines that are specified for 18696
deposit into a county or municipal indigent drivers alcohol 18697
treatment fund by section 4511.193 of the Revised Code shall be 18698
deposited into that county indigent drivers alcohol treatment 18699
fund, county juvenile indigent drivers alcohol treatment fund, or 18700
municipal indigent drivers alcohol treatment fund in accordance 18701
with division (H)(2) of this section. Additionally, all portions 18702
of fines that are paid for a violation of section 4511.19 of the 18703
Revised Code or of any prohibition contained in Chapter 4510. of 18704
the Revised Code, and that are required under section 4511.19 or 18705
any provision of Chapter 4510. of the Revised Code to be deposited 18706
into a county indigent drivers alcohol treatment fund or municipal 18707
indigent drivers alcohol treatment fund shall be deposited into 18708
the appropriate fund in accordance with the applicable division. 18709

(2) That portion of the license reinstatement fee that is 18710
paid under division (F) of this section and that is credited under 18711
that division to the indigent drivers alcohol treatment fund and 18712
that portion of the additional court cost that is imposed under 18713
section 2949.094 of the Revised Code and that is specified by that 18714

section for deposit into the indigent drivers alcohol treatment fund shall be deposited into a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund as follows:

(a) ~~If the~~ Regarding a suspension ~~in question was~~ imposed under this section or additional court costs, that portion of the fee shall be deposited as follows:

(i) If the fee or court cost is paid by a person who was charged in a county court with the violation that resulted in the suspension or in the imposition of the court costs, the portion shall be deposited into the county indigent drivers alcohol treatment fund under the control of that court;

(ii) If the fee or court cost is paid by a person who was charged in a juvenile court with the violation that resulted in the suspension or in the imposition of the court costs, the portion shall be deposited into the county juvenile indigent drivers alcohol treatment fund established in the county served by the court;

(iii) If the fee or court cost is paid by a person who was charged in a municipal court with the violation that resulted in the suspension or in the imposition of the court costs, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.

(b) ~~If the~~ Regarding a suspension ~~in question was~~ imposed under section 4511.19 of the Revised Code or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, that portion of the fee shall be deposited as follows:

(i) If the fee is paid by a person whose license or permit was suspended by a county court, the portion shall be deposited into the county indigent drivers alcohol treatment fund under the

control of that court; 18746

(ii) If the fee is paid by a person whose license or permit 18747
was suspended by a municipal court, the portion shall be deposited 18748
into the municipal indigent drivers alcohol treatment fund under 18749
the control of that court. 18750

(3) Expenditures from a county indigent drivers alcohol 18751
treatment fund, a county juvenile indigent drivers alcohol 18752
treatment fund, or a municipal indigent drivers alcohol treatment 18753
fund shall be made only upon the order of a county, juvenile, or 18754
municipal court judge and only for payment of the cost of the 18755
attendance at an alcohol and drug addiction treatment program of a 18756
person who is convicted of, or found to be a juvenile traffic 18757
offender by reason of, a violation of division (A) of section 18758
4511.19 of the Revised Code or a substantially similar municipal 18759
ordinance, who is ordered by the court to attend the alcohol and 18760
drug addiction treatment program, and who is determined by the 18761
court to be unable to pay the cost of attendance at the treatment 18762
program or for payment of the costs specified in division (H)(4) 18763
of this section in accordance with that division. The alcohol and 18764
drug addiction services board or the board of alcohol, drug 18765
addiction, and mental health services established pursuant to 18766
section 340.02 or 340.021 of the Revised Code and serving the 18767
alcohol, drug addiction, and mental health service district in 18768
which the court is located shall administer the indigent drivers 18769
alcohol treatment program of the court. When a court orders an 18770
offender or juvenile traffic offender to attend an alcohol and 18771
drug addiction treatment program, the board shall determine which 18772
program is suitable to meet the needs of the offender or juvenile 18773
traffic offender, and when a suitable program is located and space 18774
is available at the program, the offender or juvenile traffic 18775
offender shall attend the program designated by the board. A 18776
reasonable amount not to exceed five per cent of the amounts 18777

credited to and deposited into the county indigent drivers alcohol 18778
treatment fund, the county juvenile indigent drivers alcohol 18779
treatment fund, or the municipal indigent drivers alcohol 18780
treatment fund serving every court whose program is administered 18781
by that board shall be paid to the board to cover the costs it 18782
incurs in administering those indigent drivers alcohol treatment 18783
programs. 18784

In addition, a county, juvenile, or municipal court judge may 18785
use moneys in the county indigent drivers alcohol treatment fund, 18786
county juvenile indigent drivers alcohol treatment fund, or 18787
municipal indigent drivers alcohol treatment fund in the following 18788
manners: 18789

(a) If the source of the moneys was an appropriation of the 18790
general assembly, a portion of a fee that was paid under division 18791
(F) of this section, a portion of a fine that was specified for 18792
deposit into the fund by section 4511.193 of the Revised Code, or 18793
a portion of a fine that was paid for a violation of section 18794
4511.19 of the Revised Code or of a provision contained in Chapter 18795
4510. of the Revised Code that was required to be deposited into 18796
the fund, to pay for the continued use of an ~~electronic continuous~~ 18797
alcohol monitoring device by an offender or juvenile traffic 18798
offender, in conjunction with a treatment program approved by the 18799
department of alcohol and drug addiction services, when such use 18800
is determined clinically necessary by the treatment program and 18801
when the court determines that the offender or juvenile traffic 18802
offender is unable to pay all or part of the daily monitoring or 18803
cost of the device; 18804

(b) If the source of the moneys was a portion of an 18805
additional court cost imposed under section 2949.094 of the 18806
Revised Code, to pay for the continued use of an alcohol 18807
monitoring device by an offender or juvenile traffic offender when 18808
the court determines that the offender or juvenile traffic 18809

offender is unable to pay all or part of the daily monitoring or 18810
cost of the device. The moneys may be used for a device as 18811
described in this division if the use of the device is in 18812
conjunction with a treatment program approved by the department of 18813
alcohol and drug addiction services, when the use of the device is 18814
determined clinically necessary by the treatment program, but the 18815
use of a device is not required to be in conjunction with a 18816
treatment program approved by the department in order for the 18817
moneys to be used for the device as described in this division. 18818

(4) If a county, juvenile, or municipal court determines, in 18819
consultation with the alcohol and drug addiction services board or 18820
the board of alcohol, drug addiction, and mental health services 18821
established pursuant to section 340.02 or 340.021 of the Revised 18822
Code and serving the alcohol, drug addiction, and mental health 18823
district in which the court is located, that the funds in the 18824
county indigent drivers alcohol treatment fund, the county 18825
juvenile indigent drivers alcohol treatment fund, or the municipal 18826
indigent drivers alcohol treatment fund under the control of the 18827
court are more than sufficient to satisfy the purpose for which 18828
the fund was established, as specified in divisions (H)(1) to (3) 18829
of this section, the court may declare a surplus in the fund. If 18830
the court declares a surplus in the fund, the court may expend the 18831
amount of the surplus in the fund for: 18832

(a) Alcohol and drug abuse assessment and treatment of 18833
persons who are charged in the court with committing a criminal 18834
offense or with being a delinquent child or juvenile traffic 18835
offender and in relation to whom both of the following apply: 18836

(i) The court determines that substance abuse was a 18837
contributing factor leading to the criminal or delinquent activity 18838
or the juvenile traffic offense with which the person is charged. 18839

(ii) The court determines that the person is unable to pay 18840
the cost of the alcohol and drug abuse assessment and treatment 18841

for which the surplus money will be used.	18842
(b) All or part of the cost of purchasing electronic	18843
continuous alcohol monitoring devices to be used in conjunction	18844
with division (H)(3) of this section.	18845
Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the	18846
Revised Code:	18847
(A)(1) "Clinical laboratory services" means either of the	18848
following:	18849
(a) Any examination of materials derived from the human body	18850
for the purpose of providing information for the diagnosis,	18851
prevention, or treatment of any disease or impairment or for the	18852
assessment of health;	18853
(b) Procedures to determine, measure, or otherwise describe	18854
the presence or absence of various substances or organisms in the	18855
body.	18856
(2) "Clinical laboratory services" does not include the mere	18857
collection or preparation of specimens.	18858
(B) "Designated health services" means any of the following:	18859
(1) Clinical laboratory services;	18860
(2) Home health care services;	18861
(3) Outpatient prescription drugs.	18862
(C) "Fair market value" means the value in arms-length	18863
transactions, consistent with general market value and:	18864
(1) With respect to rentals or leases, the value of rental	18865
property for general commercial purposes, not taking into account	18866
its intended use;	18867
(2) With respect to a lease of space, not adjusted to reflect	18868
the additional value the prospective lessee or lessor would	18869

attribute to the proximity or convenience to the lessor if the 18870
lessor is a potential source of referrals to the lessee. 18871

(D) "Governmental health care program" means any program 18872
providing health care benefits that is administered by the federal 18873
government, this state, or a political subdivision of this state, 18874
including the medicare program established under Title XVIII of 18875
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 18876
as amended, health care coverage for public employees, health care 18877
benefits administered by the bureau of workers' compensation, the 18878
~~medical assistance~~ medicaid program established under Chapter 18879
5111. of the Revised Code, ~~and~~ the disability medical assistance 18880
program established under Chapter 5115. of the Revised Code, and 18881
the children's buy-in program established under sections 5101.5211 18882
to 5101.5216 of the Revised Code. 18883

(E)(1) "Group practice" means a group of two or more holders 18884
of certificates under this chapter legally organized as a 18885
partnership, professional corporation or association, limited 18886
liability company, foundation, nonprofit corporation, faculty 18887
practice plan, or similar group practice entity, including an 18888
organization comprised of a nonprofit medical clinic that 18889
contracts with a professional corporation or association of 18890
physicians to provide medical services exclusively to patients of 18891
the clinic in order to comply with section 1701.03 of the Revised 18892
Code and including a corporation, limited liability company, 18893
partnership, or professional association described in division (B) 18894
of section 4731.226 of the Revised Code formed for the purpose of 18895
providing a combination of the professional services of 18896
optometrists who are licensed, certificated, or otherwise legally 18897
authorized to practice optometry under Chapter 4725. of the 18898
Revised Code, chiropractors who are licensed, certificated, or 18899
otherwise legally authorized to practice chiropractic or 18900
acupuncture under Chapter 4734. of the Revised Code, psychologists 18901

who are licensed, certificated, or otherwise legally authorized to 18902
practice psychology under Chapter 4732. of the Revised Code, 18903
registered or licensed practical nurses who are licensed, 18904
certificated, or otherwise legally authorized to practice nursing 18905
under Chapter 4723. of the Revised Code, pharmacists who are 18906
licensed, certificated, or otherwise legally authorized to 18907
practice pharmacy under Chapter 4729. of the Revised Code, 18908
physical therapists who are licensed, certificated, or otherwise 18909
legally authorized to practice physical therapy under sections 18910
4755.40 to 4755.56 of the Revised Code, occupational therapists 18911
who are licensed, certificated, or otherwise legally authorized to 18912
practice occupational therapy under sections 4755.04 to 4755.13 of 18913
the Revised Code, mechanotherapists who are licensed, 18914
certificated, or otherwise legally authorized to practice 18915
mechanotherapy under section 4731.151 of the Revised Code, and 18916
doctors of medicine and surgery, osteopathic medicine and surgery, 18917
or podiatric medicine and surgery who are licensed, certificated, 18918
or otherwise legally authorized for their respective practices 18919
under this chapter, to which all of the following apply: 18920

(a) Each physician who is a member of the group practice 18921
provides substantially the full range of services that the 18922
physician routinely provides, including medical care, 18923
consultation, diagnosis, or treatment, through the joint use of 18924
shared office space, facilities, equipment, and personnel. 18925

(b) Substantially all of the services of the members of the 18926
group are provided through the group and are billed in the name of 18927
the group and amounts so received are treated as receipts of the 18928
group. 18929

(c) The overhead expenses of and the income from the practice 18930
are distributed in accordance with methods previously determined 18931
by members of the group. 18932

(d) The group practice meets any other requirements that the 18933

state medical board applies in rules adopted under section 4731.70 18934
of the Revised Code. 18935

(2) In the case of a faculty practice plan associated with a 18936
hospital with a medical residency training program in which 18937
physician members may provide a variety of specialty services and 18938
provide professional services both within and outside the group, 18939
as well as perform other tasks such as research, the criteria in 18940
division (E)(1) of this section apply only with respect to 18941
services rendered within the faculty practice plan. 18942

(F) "Home health care services" and "immediate family" have 18943
the same meanings as in the rules adopted under section 4731.70 of 18944
the Revised Code. 18945

(G) "Hospital" has the same meaning as in section 3727.01 of 18946
the Revised Code. 18947

(H) A "referral" includes both of the following: 18948

(1) A request by a holder of a certificate under this chapter 18949
for an item or service, including a request for a consultation 18950
with another physician and any test or procedure ordered by or to 18951
be performed by or under the supervision of the other physician; 18952

(2) A request for or establishment of a plan of care by a 18953
certificate holder that includes the provision of designated 18954
health services. 18955

(I) "Third-party payer" has the same meaning as in section 18956
3901.38 of the Revised Code. 18957

Sec. 4731.71. The auditor of state may implement procedures 18958
to detect violations of section 4731.66 or 4731.69 of the Revised 18959
Code within governmental health care programs administered by the 18960
state. The auditor of state shall report any violation of either 18961
section to the state medical board and shall certify to the 18962
attorney general in accordance with section 131.02 of the Revised 18963

Code the amount of any refund owed to a state-administered 18964
governmental health care program under section 4731.69 of the 18965
Revised Code as a result of a violation. If a refund is owed to 18966
the ~~medical assistance~~ medicaid program established under Chapter 18967
5111. of the Revised Code ~~or~~, the disability medical assistance 18968
program established under Chapter 5115. of the Revised Code, or 18969
the children's buy-in program established under sections 5101.5211 18970
to 5101.5216 of the Revised Code, the auditor of state also shall 18971
report the amount to the department of ~~commerce~~ job and family 18972
services. 18973

The state medical board also may implement procedures to 18974
detect violations of section 4731.66 or 4731.69 of the Revised 18975
Code. 18976

Sec. 4735.01. As used in this chapter: 18977

(A) "Real estate broker" includes any person, partnership, 18978
association, limited liability company, limited liability 18979
partnership, or corporation, foreign or domestic, who for another, 18980
whether pursuant to a power of attorney or otherwise, and who for 18981
a fee, commission, or other valuable consideration, or with the 18982
intention, or in the expectation, or upon the promise of receiving 18983
or collecting a fee, commission, or other valuable consideration 18984
does any of the following: 18985

(1) Sells, exchanges, purchases, rents, or leases, or 18986
negotiates the sale, exchange, purchase, rental, or leasing of any 18987
real estate; 18988

(2) Offers, attempts, or agrees to negotiate the sale, 18989
exchange, purchase, rental, or leasing of any real estate; 18990

(3) Lists, or offers, attempts, or agrees to list, or 18991
auctions, or offers, attempts, or agrees to auction, any real 18992
estate; 18993

(4) Buys or offers to buy, sells or offers to sell, or otherwise deals in options on real estate;	18994 18995
(5) Operates, manages, or rents, or offers or attempts to operate, manage, or rent, other than as custodian, caretaker, or janitor, any building or portions of buildings to the public as tenants;	18996 18997 18998 18999
(6) Advertises or holds self out as engaged in the business of selling, exchanging, purchasing, renting, or leasing real estate;	19000 19001 19002
(7) Directs or assists in the procuring of prospects or the negotiation of any transaction, other than mortgage financing, which does or is calculated to result in the sale, exchange, leasing, or renting of any real estate;	19003 19004 19005 19006
(8) Is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with any 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;	19007 19008 19009 19010 19011 19012 19013 19014 19015
(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.	19016 19017 19018
(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.	19019 19020 19021 19022 19023
(C) "Real estate salesperson" means any person associated	19024

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 state.

(F) "Foreign real estate dealer" includes any person, partnership, association, limited liability company, limited liability partnership, or corporation, foreign or domestic, who for another, whether pursuant to a power of attorney or otherwise, and who for a fee, commission, or other valuable consideration, or with the intention, or in the expectation, or upon the promise of receiving or collecting a fee, commission, or other valuable consideration, does or deals in any act or transaction specified or comprehended in division (A) of this section with respect to foreign real estate.

(G) "Foreign real estate salesperson" means any person associated with a licensed foreign real estate dealer to do or deal in any act or transaction specified or comprehended in division (A) of this section with respect to foreign real estate,

for compensation or otherwise. 19056

(H) Any person, partnership, association, limited liability company, limited liability partnership, or corporation, who, for another, in consideration of compensation, by fee, commission, salary, or otherwise, or with the intention, in the expectation, or upon the promise of receiving or collecting a fee, does, or offers, attempts, or agrees to engage in, any single act or transaction contained in the definition of a real estate broker, whether an act is an incidental part of a transaction, or the entire transaction, shall be constituted a real estate broker or real estate salesperson under this chapter. 19057
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(I) The terms "real estate broker," "real estate salesperson," "foreign real estate dealer," and "foreign real estate salesperson" do not include a person, partnership, association, limited liability company, limited liability partnership, or corporation, or the regular employees thereof, who perform any of the acts or transactions specified or comprehended in division (A) of this section, whether or not for, or with the intention, in expectation, or upon the promise of receiving or collecting a fee, commission, or other valuable consideration: 19067
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(1) With reference to real estate situated in this state or any interest in it owned by such person, partnership, association, limited liability company, limited liability partnership, or corporation, or acquired on its own account in the regular course of, or as an incident to the management of the property and the investment in it; 19076
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(2) As receiver or trustee in bankruptcy, as guardian, executor, administrator, trustee, assignee, commissioner, or any person doing the things mentioned in this section, under authority or appointment of, or incident to a proceeding in, any court, or as a public officer, or as executor, trustee, or other bona fide fiduciary under any trust agreement, deed of trust, will, or other 19082
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instrument creating a like bona fide fiduciary obligation;	19088
(3) As a public officer while performing the officer's official duties;	19089 19090
(4) As an attorney at law in the performance of the attorney's duties;	19091 19092
(5) As a person who engages in the brokering of the sale of business assets, not including the negotiation of the sale, lease, exchange, or assignment of any interest in real estate;	19093 19094 19095
(6) As a person who engages in the sale of manufactured homes as defined in division (C)(4) of section 3781.06 of the Revised Code, or of mobile homes as defined in division (O) of section 4501.01 of the Revised Code, provided the sale does not include the negotiation, sale, lease, exchange, or assignment of any interest in real estate;	19096 19097 19098 19099 19100 19101
(7) As a person who engages in the sale of commercial real estate pursuant to the requirements of section 4735.022 of the Revised Code.	19102 19103 19104
(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.	19105 19106 19107 19108 19109
(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."	19110 19111 19112
(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	19113 19114 19115 19116 19117

deemed to refer to the division or superintendent of real estate 19118
and professional licensing, as the case may be. 19119

(M) "Inactive license" means the license status in which a 19120
salesperson's license is in the possession of the division, 19121
renewed as required under this chapter or rules adopted under this 19122
chapter, and not associated with a real estate broker. 19123

(N) "Broker's license on deposit" means the license status in 19124
which a broker's license is in the possession of the division of 19125
real estate and professional licensing and renewed as required 19126
under this chapter or rules adopted under this chapter. 19127

(O) "Suspended license" means the license status that 19128
prohibits a licensee from providing services that require a 19129
license under this chapter for a specified interval of time. 19130

(P) "Reactivate" means the process prescribed by the 19131
superintendent of real estate and professional licensing to remove 19132
a license from an inactive, voluntary hold, suspended, or broker's 19133
license on deposit status to allow a licensee to provide services 19134
that require a license under this chapter. 19135

(Q) "Revoked" means the license status in which the license 19136
is void and not eligible for reactivation. 19137

(R) "Commercial real estate" means any parcel of real estate 19138
in this state other than real estate containing one to four 19139
residential units. "Commercial real estate" does not include 19140
single-family residential units such as condominiums, townhouses, 19141
manufactured homes, or homes in a subdivision when sold, leased, 19142
or otherwise conveyed on a unit-by-unit basis, even when those 19143
units are a part of a larger building or parcel of real estate 19144
containing more than four residential units. 19145

(S) "Out-of-state commercial broker" includes any person, 19146
partnership, association, limited liability company, limited 19147
liability partnership, or corporation that is licensed to do 19148

business as a real estate broker in a jurisdiction other than 19149
Ohio. 19150

(T) "Out-of-state commercial salesperson" includes any person 19151
affiliated with an out-of-state commercial broker who is not 19152
licensed as a real estate salesperson in Ohio. 19153

(U) "Exclusive right to sell or lease listing agreement" 19154
means an agency agreement between a seller and broker that meets 19155
the requirements of section 4735.55 of the Revised Code and does 19156
both of the following: 19157

(1) Grants the broker the exclusive right to represent the 19158
seller in the sale or lease of the seller's property; 19159

(2) Provides the broker will be compensated if the broker, 19160
the seller, or any other person or entity produces a purchaser or 19161
tenant in accordance with the terms specified in the listing 19162
agreement or if the property is sold or leased during the term of 19163
the listing agreement to anyone other than to specifically 19164
exempted persons or entities. 19165

(V) "Exclusive agency agreement" means an agency agreement 19166
between a seller and broker that meets the requirements of section 19167
4735.55 of the Revised Code and does both of the following: 19168

(1) Grants the broker the exclusive right to represent the 19169
seller in the sale or lease of the seller's property; 19170

(2) Provides the broker will be compensated if the broker or 19171
any other person or entity produces a purchaser or tenant in 19172
accordance with the terms specified in the listing agreement or if 19173
the property is sold or leased during the term of the listing 19174
agreement, unless the property is sold or leased solely through 19175
the efforts of the seller or to the specifically exempted persons 19176
or entities. 19177

(W) "Exclusive purchaser agency agreement" means an agency 19178

agreement between a purchaser and broker that meets the 19179
requirements of section 4735.55 of the Revised Code and does both 19180
of the following: 19181

(1) Grants the broker the exclusive right to represent the 19182
purchaser in the purchase or lease of property; 19183

(2) Provides the broker will be compensated in accordance 19184
with the terms specified in the exclusive agency agreement or if a 19185
property is purchased or leased by the purchaser during the term 19186
of the agency agreement unless the property is specifically 19187
exempted in the agency agreement. 19188

The agreement may authorize the broker to receive 19189
compensation from the seller or the seller's agent and may provide 19190
that the purchaser is not obligated to compensate the broker if 19191
the property is purchased or leased solely through the efforts of 19192
the purchaser. 19193

(X) "Seller" means a party in a real estate transaction who 19194
is the potential transferor of property. "Seller" includes an 19195
owner of property who is seeking to sell the property and a 19196
landlord who is seeking to rent or lease property to another 19197
person. 19198

(Y) "Voluntary hold" means the license status in which a 19199
license is in the possession of the division of real estate and 19200
professional licensing for a period of not more than twelve months 19201
pursuant to section 4735.142 of the Revised Code, is not renewed 19202
in accordance with the requirements specified in this chapter or 19203
the rules adopted pursuant to it, and is not associated with a 19204
real estate broker. 19205

(Z) "Resigned" means the license status in which a license 19206
has been voluntarily surrendered to or is otherwise in the 19207
possession of the division of real estate and professional 19208
licensing, is not renewed in accordance with the requirements 19209

specified in this chapter or the rules adopted pursuant to it, and 19210
is not associated with a real estate broker. 19211

Sec. 4735.02. Except as provided in section 4735.022 of the 19212
Revised Code, no person, partnership, association, limited 19213
liability company, limited liability partnership, or corporation 19214
shall act as a real estate broker or real estate salesperson, or 19215
advertise or assume to act as such, without first being licensed 19216
as provided in this chapter. No person, partnership, association, 19217
limited liability company, limited liability partnership, or 19218
corporation shall provide services that require a license under 19219
this chapter if the licensee's license is inactive, suspended, 19220
placed on voluntary hold, resigned, or a broker's license on 19221
deposit, or if the license has been revoked. Nothing contained in 19222
this chapter shall be construed as authorizing a real estate 19223
broker or salesperson to perform any service constituting the 19224
practice of law. 19225

No partnership, association, limited liability company, 19226
limited liability partnership, or corporation holding a real 19227
estate license shall employ as an officer, director, manager, or 19228
principal employee any person previously holding a license as a 19229
real estate broker, real estate salesperson, foreign real estate 19230
dealer, or foreign real estate salesperson, whose license has been 19231
placed in inactive, voluntary hold, or resigned status, or is 19232
suspended, or revoked and who has not thereafter reactivated the 19233
license or received a new license. 19234

Sec. 4735.10. (A)(1) The Ohio real estate commission may 19235
adopt reasonable rules in accordance with Chapter 119. of the 19236
Revised Code, necessary for implementing the provisions of this 19237
chapter relating, but not limited to, the following: 19238

(a) The form and manner of filing applications for license; 19239

(b) Times and form of examination for license;	19240
(c) Placing an existing broker's license on deposit or a salesperson's license on an inactive status for an indefinite period;	19241 19242 19243
<u>(d) Specifying the process by which a licensee may place the licensee's license on voluntary hold or resigned status;</u>	19244 19245
<u>(e) Defining any additional license status that the commission determines is necessary and that is not otherwise defined in this chapter and establishing the process by which a licensee places the licensee's license in a status defined by the commission in the rules the commission adopts.</u>	19246 19247 19248 19249 19250
(2) The commission shall adopt reasonable rules in accordance with Chapter 119. of the Revised Code, for implementing the provisions of this chapter relating to the following:	19251 19252 19253
(a) The issuance, renewal, suspension, and revocation of licenses, other sanctions that may be imposed for violations of this chapter, the conduct of hearings related to these actions, and the process of reactivating a license;	19254 19255 19256 19257
(b) By not later than January 1, 2004, a three-year license and a three-year license renewal system;	19258 19259
(c) Standards for the approval of courses of study required for licenses, or offered in preparation for license examinations, or required as continuing education for licenses.	19260 19261 19262
(d) Guidelines to ensure that continuing education classes are open to all persons licensed under this chapter. The rules shall specify that an organization that sponsors a continuing education class may offer its members a reasonable reduction in the fees charged for the class.	19263 19264 19265 19266 19267
(e) Requirements for trust accounts and property management accounts. The rules shall specify that:	19268 19269

(i) Brokerages engaged in the management of property for another may, pursuant to a written contract with the property owner, exercise signatory authority for withdrawals from property management accounts maintained in the name of the property owner.	19270
The exercise of authority for withdrawals does not constitute a violation of any provision of division (A) of section 4735.18 of the Revised Code.	19271
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(ii) The interest earned on property management trust accounts maintained in the name of the property owner or the broker shall be payable to the property owner unless otherwise specified in a written contract.	19277
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(f) Notice of renewal forms and filing deadlines;	19281
(g) Special assessments under division (A) of section 4735.12 of the Revised Code.	19282
	19283
(B) The commission may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and guidelines with which the superintendent of real estate shall comply in the exercise of the following powers:	19284
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(1) Appointment and recommendation of ancillary trustees under section 4735.05 of the Revised Code;	19288
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(2) Rejection of names proposed to be used by partnerships, associations, limited liability companies, limited liability partnerships, and corporations, under division (A) of section 4735.06 of the Revised Code;	19290
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(3) Acceptance and rejection of applications to take the broker and salesperson examinations and licensure, with appropriate waivers pursuant to division (E) of section 4735.07 and section 4735.09 of the Revised Code;	19294
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(4) Approval of applications of brokers to place their licenses on deposit and to become salespersons under section	19298
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4735.13 of the Revised Code;	19300
(5) Appointment of hearing examiners under section 119.09 of the Revised Code;	19301 19302
(6) Acceptance and rejection of applications to take the foreign real estate dealer and salesperson examinations and licensure, with waiver of examination, under sections 4735.27 and 4735.28 of the Revised Code;	19303 19304 19305 19306
(7) Qualification of foreign real estate under section 4735.25 of the Revised Code.	19307 19308
If at any time there is no rule in effect establishing a guideline or standard required by this division, the superintendent may adopt a rule in accordance with Chapter 119. of the Revised Code for such purpose.	19309 19310 19311 19312
(C) The commission or superintendent may hear testimony in matters relating to the duties imposed upon them, and the president of the commission and superintendent may administer oaths. The commission or superintendent may require other proof of the honesty, truthfulness, and good reputation of any person named in an application for a real estate broker's or real estate salesperson's license before admitting the applicant to the examination or issuing a license.	19313 19314 19315 19316 19317 19318 19319 19320
Sec. 4735.13. (A) The license of a real estate broker shall be prominently displayed in the office or place of business of the broker, and no license shall authorize the licensee to do business except from the location specified in it. If the broker maintains more than one place of business within the state, the broker shall apply for and procure a duplicate license for each branch office maintained by the broker. Each branch office shall be in the charge of a licensed broker or salesperson. The branch office license shall be prominently displayed at the branch office	19321 19322 19323 19324 19325 19326 19327 19328 19329

location. 19330

(B) The license of each real estate salesperson shall be 19331
mailed to and remain in the possession of the licensed broker with 19332
whom the salesperson is or is to be associated until the licensee 19333
places the license on inactive, voluntary hold, or resigned status 19334
or until the salesperson leaves the brokerage or is terminated. 19335
The broker shall keep each salesperson's license in a way that it 19336
can, and shall on request, be made immediately available for 19337
public inspection at the office or place of business of the 19338
broker. Except as provided in divisions (G) and (H) of this 19339
section, immediately upon the salesperson's leaving the 19340
association or termination of the association of a real estate 19341
salesperson with the broker, the broker shall return the 19342
salesperson's license to the superintendent of real estate. 19343

The failure of a broker to return the license of a real 19344
estate salesperson or broker who leaves or who is terminated, via 19345
certified mail return receipt requested, within three business 19346
days of the receipt of a written request from the superintendent 19347
for the return of the license, is prima-facie evidence of 19348
misconduct under division (A)(6) of section 4735.18 of the Revised 19349
Code. 19350

(C) Any licensee who is convicted of a felony or a crime 19351
involving moral turpitude or of violating any federal, state, or 19352
municipal civil rights law pertaining to discrimination in 19353
housing, or any court that issues a finding of an unlawful 19354
discriminatory practice pertaining to housing accommodations 19355
described in division (H) of section 4112.02 of the Revised Code 19356
or that convicts a licensee of a violation of any municipal civil 19357
rights law pertaining to housing discrimination, shall notify the 19358
superintendent of the conviction or finding within fifteen days. 19359
If a licensee fails to notify the superintendent within the 19360
required time, the superintendent immediately may revoke the 19361

license of the licensee. 19362

Any court that convicts a licensee of a violation of any 19363
municipal civil rights law pertaining to housing discrimination 19364
also shall notify the Ohio civil rights commission within fifteen 19365
days of the conviction. 19366

(D) In case of any change of business location, a broker 19367
shall give notice in writing to the superintendent, whereupon the 19368
superintendent shall issue new licenses for the unexpired period 19369
without charge. If a broker changes a business location without 19370
giving the required notice and without receiving new licenses that 19371
action is prima-facie evidence of misconduct under division (A)(6) 19372
of section 4735.18 of the Revised Code. 19373

(E) If a real estate broker desires to associate with another 19374
real estate broker in the capacity of a real estate salesperson, 19375
the broker shall apply to the superintendent to deposit the 19376
broker's real estate broker's license with the superintendent and 19377
for the issuance of a real estate salesperson's license. The 19378
application shall be made on a form prescribed by the 19379
superintendent and shall be accompanied by the recommendation of 19380
the real estate broker with whom the applicant intends to become 19381
associated and a fee of twenty-five dollars for the real estate 19382
salesperson's license. Four dollars of the fee shall be credited 19383
to the real estate education and research fund. If the 19384
superintendent is satisfied that the applicant is honest, 19385
truthful, and of good reputation, has not been convicted of a 19386
felony or a crime involving moral turpitude, and has not been 19387
finally adjudged by a court to have violated any municipal, state, 19388
or federal civil rights laws relevant to the protection of 19389
purchasers or sellers of real estate, and that the association of 19390
the real estate broker and the applicant will be in the public 19391
interest, the superintendent shall grant the application and issue 19392
a real estate salesperson's license to the applicant. Any license 19393

so deposited with the superintendent shall be subject to this 19394
chapter. A broker who intends to deposit the broker's license with 19395
the superintendent, as provided in this section, shall give 19396
written notice of this fact in a format prescribed by the 19397
superintendent to all salespersons associated with the broker when 19398
applying to place the broker's license on deposit. 19399

(F) If a real estate broker desires to become a member or 19400
officer of a partnership, association, limited liability company, 19401
limited liability partnership, or corporation that is or intends 19402
to become a licensed real estate broker, the broker shall notify 19403
the superintendent of the broker's intentions. The notice of 19404
intention shall be on a form prescribed by the superintendent and 19405
shall be accompanied by a fee of twenty-five dollars. Four dollars 19406
of the fee shall be credited to the real estate education and 19407
research fund. 19408

No real estate broker who is a member or officer of a 19409
partnership, association, limited liability company, limited 19410
liability partnership, or corporation that is a licensed real 19411
estate broker shall perform any acts as a real estate broker other 19412
than as the agent of the partnership, association, limited 19413
liability company, limited liability partnership, or corporation, 19414
and such broker shall not have any real estate salespersons 19415
associated with the broker. 19416

(G) If a real estate broker or salesperson enters the armed 19417
forces, the broker or salesperson may place the broker's or 19418
salesperson's license on deposit with the Ohio real estate 19419
commission. The licensee shall not be required to renew the 19420
license until the renewal date that follows the date of discharge 19421
from the armed forces. Any license deposited with the commission 19422
shall be subject to this chapter. Any licensee whose license is on 19423
deposit under this division and who fails to meet the continuing 19424
education requirements of section 4735.141 of the Revised Code 19425

because the licensee is in the armed forces shall satisfy the 19426
commission that the licensee has complied with the continuing 19427
education requirements within twelve months of the licensee's 19428
discharge. The commission shall notify the licensee of the 19429
licensee's obligations under section 4735.141 of the Revised Code 19430
at the time the licensee applies for reactivation of the 19431
licensee's license. 19432

(H) If a licensed real estate salesperson submits an 19433
application to the superintendent to leave the association of one 19434
broker to associate with a different broker, the broker possessing 19435
the licensee's license need not return the salesperson's license 19436
to the superintendent. The superintendent may process the 19437
application regardless of whether the licensee's license is 19438
returned to the superintendent. 19439

Sec. 4735.14. (A) Each license issued under this chapter, 19440
shall be valid without further recommendation or examination until 19441
it is placed in an inactive, voluntary hold, or resigned status, 19442
is revoked, or suspended, or such license expires by operation of 19443
law. 19444

(B) ~~Each~~ Except for a licensee who has placed the licensee's 19445
license on voluntary hold or resigned status pursuant to section 19446
4735.142 of the Revised Code, each licensed broker, brokerage, or 19447
salesperson shall file, on or before the date the Ohio real estate 19448
commission has adopted by rule for that licensee in accordance 19449
with division (A)(2)(f) of section 4735.10 of the Revised Code, a 19450
notice of renewal on a form prescribed by the superintendent of 19451
real estate. The notice of renewal shall be mailed by the 19452
superintendent to the most current personal residence address of 19453
each broker or salesperson as filed with the superintendent by the 19454
licensee and the place of business address of the brokerage two 19455
months prior to the filing deadline. 19456

(C) The Except as otherwise provided in division (B) of this section, the license of any real estate broker, brokerage, or salesperson that fails to file a notice of renewal on or before the filing deadline of each ensuing year shall be suspended automatically without the taking of any action by the superintendent. A suspended license may be reactivated within twelve months of the date of suspension, provided that the renewal fee plus a penalty fee of fifty per cent of the renewal fee is paid to the superintendent. Failure to reactivate the license as provided in this division shall result in automatic revocation of the license without the taking of any action by the superintendent. No person, partnership, association, corporation, limited liability company, or limited partnership shall engage in any act or acts for which a real estate license is required while that entity's license is placed in an inactive, voluntary hold, or resigned status, or is suspended, or revoked. The commission shall adopt rules in accordance with Chapter 119. of the Revised Code to provide to licensees notice of suspension or revocation or both.

(D) Each licensee shall notify the commission of a change in personal residence address. A licensee's failure to notify the commission of a change in personal residence address does not negate the requirement to file the license renewal by the required deadline established by the commission by rule under division (A)(2)(f) of section 4735.10 of the Revised Code.

(E) The superintendent shall not renew a license if the licensee is not in compliance with this chapter.

Sec. 4735.141. (A) Except as otherwise provided in this division and except for a licensee who has placed the licensee's license on voluntary hold or resigned status pursuant to section 4735.142 of the Revised Code, each person licensed under section 4735.07 or 4735.09 of the Revised Code shall submit proof

satisfactory to the superintendent of real estate that the 19488
licensee has satisfactorily completed thirty hours of continuing 19489
education, as prescribed by the Ohio real estate commission 19490
pursuant to section 4735.10 of the Revised Code, on or before the 19491
licensee's birthday occurring three years after the licensee's 19492
date of initial licensure, and on or before the licensee's 19493
birthday every three years thereafter. 19494

Persons licensed as real estate salespersons who subsequently 19495
become licensed real estate brokers shall continue to submit proof 19496
of continuing education in accordance with the time period 19497
established in this section. 19498

The requirements of this section shall not apply to any 19499
physically handicapped licensee as provided in division (E) of 19500
this section. 19501

Each licensee who is seventy years of age or older, within a 19502
continuing education reporting period, shall submit proof 19503
satisfactory to the superintendent of real estate that the 19504
licensee has satisfactorily completed a total of nine classroom 19505
hours of continuing education, including instruction in Ohio real 19506
estate law; recently enacted state and federal laws affecting the 19507
real estate industry; municipal, state, and federal civil rights 19508
law; and canons of ethics for the real estate industry as adopted 19509
by the commission. The required proof of completion shall be 19510
submitted on or before the licensee's birthday that falls in the 19511
third year of that continuing education reporting period. A 19512
licensee who is seventy years of age or older whose license is in 19513
an inactive status is exempt from the continuing education 19514
requirements specified in this section. The commission shall adopt 19515
reasonable rules in accordance with Chapter 119. of the Revised 19516
Code to carry out the purposes of this paragraph. 19517

(B) The continuing education requirements of this section 19518
shall be completed in schools, seminars, and educational 19519

institutions approved by the commission. Such approval shall be 19520
given according to rules established by the commission under the 19521
procedures of Chapter 119. of the Revised Code, and shall not be 19522
limited to institutions providing two-year or four-year degrees. 19523
Each school, seminar, or educational institution approved under 19524
this division shall be open to all licensees on an equal basis. 19525

(C) If the requirements of this section are not met by a 19526
licensee within the period specified, the licensee's license shall 19527
be suspended automatically without the taking of any action by the 19528
superintendent. The superintendent shall notify the licensee of 19529
the license suspension. Any license so suspended shall remain 19530
suspended until it is reactivated by the superintendent. No such 19531
license shall be reactivated until it is established, to the 19532
satisfaction of the superintendent, that the requirements of this 19533
section have been met. If the requirements of this section are not 19534
met within twelve months from the date the license was suspended, 19535
the license shall be revoked automatically without the taking of 19536
any action by the superintendent. 19537

(D) If the license of a real estate broker is suspended 19538
pursuant to division (C) of this section, the license of a real 19539
estate salesperson associated with that broker correspondingly is 19540
suspended pursuant to division (H) of section 4735.20 of the 19541
Revised Code. However, the suspended license of the associated 19542
real estate salesperson shall be reactivated and no fee shall be 19543
charged or collected for that reactivation if all of the following 19544
occur: 19545

(1) That broker subsequently submits proof to the 19546
superintendent that the broker has complied with the requirements 19547
of this section and requests that the broker's license as a real 19548
estate broker be reactivated. 19549

(2) The superintendent then reactivates the broker's license 19550
as a real estate broker. 19551

(3) The associated real estate salesperson intends to 19552
continue to be associated with that broker, has complied with the 19553
requirements of this section, and otherwise is in compliance with 19554
this chapter. 19555

Any person whose license is reactivated pursuant to this 19556
division shall submit proof satisfactory to the superintendent 19557
that the person has completed thirty hours of continuing 19558
education, as prescribed by the Ohio real estate commission, on or 19559
before the third year following the licensee's birthday occurring 19560
immediately after reactivation. 19561

(E) Any licensee who is a physically handicapped licensee at 19562
any time during the last three months of the third year of the 19563
licensee's continuing education reporting period may receive an 19564
extension of time to submit proof to the superintendent that the 19565
licensee has satisfactorily completed the required thirty hours of 19566
continuing education. To receive an extension of time, the 19567
licensee shall submit a request to the division of real estate for 19568
the extension and proof satisfactory to the commission that the 19569
licensee was a physically handicapped licensee at some time during 19570
the last three months of the three-year reporting period. The 19571
proof shall include, but is not limited to, a signed statement by 19572
the licensee's attending physician describing the physical 19573
disability, certifying that the licensee's disability is of such a 19574
nature as to prevent the licensee from attending any instruction 19575
lasting at least three hours in duration, and stating the expected 19576
duration of the physical disability. The licensee shall request 19577
the extension and provide the physician's statement to the 19578
division no later than one month prior to the end of the 19579
licensee's three-year continuing education reporting period, 19580
unless the physical disability did not arise until the last month 19581
of the three-year reporting period, in which event the licensee 19582
shall request the extension and provide the physician's statement 19583

as soon as practical after the occurrence of the physical 19584
disability. A licensee granted an extension pursuant to this 19585
division who is no longer a physically handicapped licensee and 19586
who submits proof of completion of the continuing education during 19587
the extension period, shall submit, for future continuing 19588
education reporting periods, proof of completion of the continuing 19589
education requirements according to the schedule established in 19590
division (A) of this section. 19591

Sec. 4735.142. (A) Any person licensed under section 4735.07 19592
or 4735.09 of the Revised Code, at any time prior to the date the 19593
licensee is required to file a notice of renewal pursuant to 19594
division (B) of section 4735.14 of the Revised Code may apply to 19595
the superintendent of real estate and professional licensing to 19596
place the licensee's license on voluntary hold or a resigned 19597
status. 19598

(B) If the superintendent has placed a license on voluntary 19599
hold pursuant to a request made under division (A) of this 19600
section, the licensee who requested that the licensee's license be 19601
placed on voluntary hold may apply to the superintendent to 19602
reactivate that license within twelve months after the date the 19603
license is placed on voluntary hold. The superintendent shall 19604
reactivate that license if the licensee complies with the 19605
requirements for such reactivation that are specified in rules 19606
adopted by the Ohio real estate commission pursuant to division 19607
(A) of section 4735.10 of the Revised Code and satisfies all of 19608
the following requirements: 19609

(1) The licensee complies with the postlicensure education 19610
requirements specified in section 4735.07 or 4735.09 of the 19611
Revised Code, as applicable; 19612

(2) The licensee complies with the continuing education 19613
requirements specified in section 4735.141 of the Revised Code; 19614

(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. 19615
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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 Revised Code, as applicable. 19619
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(D) A licensee, at any time during which a license has been suspended pursuant to division (G) of section 4735.07, division (G) of section 4735.09, division (E) of section 4735.12, division (C) of section 4735.14, division (C) of section 4735.141, or section 4735.182 of the Revised Code, may apply to the superintendent on a form prescribed by the superintendent to voluntarily resign the licensee's 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 a request made under this division wishes to obtain an active or inactive license, the person shall apply for such a license in accordance with the requirements specified in section 4735.07 or 4735.09 of the Revised Code, as applicable, or in the rules adopted by the commission pursuant to division (A) of section 4735.10 of the Revised Code. 19632
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(E) If placing a broker's license on voluntary hold or a resigned status will result in the closure of the broker's brokerage, the broker, within three days after applying to the superintendent to place the license on voluntary hold or a resigned status, shall provide to each salesperson associated with that broker a written notice stating that fact.

(F) This section does not apply to any licensee whose license has been suspended pursuant to division (F) of section 4735.181 of the Revised Code or due to disciplinary action ordered by the commission pursuant to section 4735.051 of the Revised Code.

Sec. 4752.04. A person seeking a license to provide home medical equipment services shall apply to the Ohio respiratory care board on a form the board shall prescribe and provide. The application must be accompanied by the license application fee established in rules adopted under section 4752.17 of the Revised Code and, except that the board may waive all or part of the fee if the board determines that an applicant's license will be issued in the last six months of the biennial licensing period established under section 4752.05 of the Revised Code.

In the application, the applicant shall specify the name and location of the facility from which services will be provided.

Sec. 4752.05. (A) The Ohio respiratory care board shall issue a license to provide home medical equipment services to each applicant under section 4752.04 of the Revised Code that meets either of the following requirements:

(1) Meets the standards established by the board in rules adopted under section 4752.17 of the Revised Code;

(2) Is a pharmacy licensed under Chapter 4729. of the Revised Code that receives total payments of ten thousand dollars or more per year from selling or renting home medical equipment.

(B) During the period ending one year after ~~the effective~~ 19677
~~date of this section~~ September 16, 2004, an applicant that does 19678
not meet either of the requirements of division (A) of this 19679
section shall be granted a provisional license if for at least 19680
twelve months prior to ~~the effective date of this section~~ 19681
September 16, 2004 the applicant was engaged in the business of 19682
providing home medical equipment services. The provisional license 19683
expires one year following the date on which it is issued and is 19684
not subject to renewal under section 4752.06 of the Revised Code. 19685

(C) The board may conduct a personal interview of an 19686
applicant, or an applicant's representative, to determine the 19687
applicant's qualifications for licensure. 19688

(D) A license issued under division (A) of this section ~~is~~ 19689
~~valid from the day it is issued until the thirtieth day of June~~ 19690
~~that immediately follows the date of issue. Thereafter a license~~ 19691
~~is valid only if it is~~ expires at the end of the licensing period 19692
for which it is issued and may be renewed in accordance with 19693
section 4752.06 of the Revised Code ~~biennially on or before the~~ 19694
~~thirtieth day of June. For purposes of issuing and renewing~~ 19695
licenses, the board shall use a biennial licensing period that 19696
begins on the first day of July of each even-numbered year and 19697
ends on the thirtieth day of June of the next succeeding 19698
even-numbered year. 19699

(E) Any license issued under this section is valid only for 19700
the facility named in the application. 19701

Sec. 4752.06. Except for a provisional license issued under 19702
section 4752.05 of the Revised Code, a license issued under this 19703
chapter shall be renewed by the Ohio respiratory care board if the 19704
license holder is in compliance with the applicable requirements 19705
of this chapter. 19706

An application for license renewal shall be accompanied by 19707

the renewal fee established in rules adopted under section 4752.17 19708
of the Revised Code and, except as provided in division (B) of 19709
section 4752.07 of the Revised Code, by documentation satisfactory 19710
to the board that the continuing education requirements of section 19711
4752.07 of the Revised Code have been met. Renewals shall be made 19712
in accordance with the standard renewal procedure established 19713
under Chapter 4745. of the Revised Code and the renewal procedures 19714
established in rules adopted under section 4752.17 of the Revised 19715
Code. 19716

Sec. 4752.07. (A) The holder of a license issued under this 19717
chapter shall do all of the following: 19718

~~(A)~~(1) Maintain a physical facility and a medical equipment 19719
inventory; 19720

~~(B)~~(2) Establish equipment management and personnel policies; 19721

~~(C)~~(3) Provide life-sustaining home medical equipment, as 19722
described in division (B)(1) of section 4752.01 of the Revised 19723
Code, and related home medical equipment services twenty-four 19724
hours per day, seven days per week; 19725

~~(D)~~ Require (4) Except as provided in division (B) of this 19726
section, require persons in its employ or under its control who 19727
provide home medical equipment services to successfully complete 19728
continuing education programs in home medical equipment services 19729
that meet the standards established by rule adopted under section 19730
4752.17 of the Revised Code and maintain records on participation 19731
in those programs; 19732

~~(E)~~(5) Maintain records on all individuals to whom it 19733
provides home medical equipment and services; 19734

~~(F)~~(6) Maintain liability insurance, including coverage for 19735
professional and products liability; 19736

~~(G)~~(7) Comply with all other requirements established by rule 19737

adopted under section 4752.17 of the Revised Code that apply to 19738
persons licensed under this chapter. 19739

(B) For the first renewal of a license that was issued in the 19740
last six months of the biennial licensing period established under 19741
section 4752.05 of the Revised Code, the board may waive all or 19742
part of the continuing education requirements that otherwise would 19743
have to be met to renew the license under section 4752.06 of the 19744
Revised Code. 19745

Sec. 4752.11. (A) A person seeking a certificate of 19746
registration to provide home medical equipment services shall 19747
apply to the Ohio respiratory care board on a form the board shall 19748
prescribe and provide. The application must be accompanied by the 19749
registration fee established in rules adopted under section 19750
4752.17 of the Revised Code, except that the board may waive all 19751
or part of the fee if the board determines that an applicant's 19752
certificate of registration will be issued in the last six months 19753
of the biennial registration period established under section 19754
4752.12 of the Revised Code. 19755

(B) The applicant shall specify in the application all of the 19756
following: 19757

(1) The name of the facility from which services will be 19758
provided; 19759

(2) The facility's address; 19760

(3) The facility's telephone number; 19761

(4) A person who may be contacted with regard to the 19762
facility; 19763

(5) The name of the national accrediting body that issued the 19764
accreditation on which the application is based; 19765

(6) The applicant's accreditation number and the expiration 19766
date of the accreditation; 19767

(7) A telephone number that may be used twenty-four hours a day, seven days a week, to obtain information related to the facility's provision of home medical equipment services.

Sec. 4752.12. (A) The Ohio respiratory care board shall issue a certificate of registration to provide home medical equipment services to each applicant who submits a complete application under section 4752.11 of the Revised Code. For purposes of this division, an application is complete only if the board finds that the applicant holds accreditation from the joint commission on accreditation of healthcare organizations or another national accrediting body recognized by the board, as specified in rules adopted under section 4752.17 of the Revised Code.

(B) A certificate of registration issued under this section ~~is valid from the day it is issued until the thirtieth day of June that immediately follows the date of issue. Thereafter, a certificate of registration is valid only if it is~~ expires at the end of the registration period for which it is issued and may be renewed in accordance with section 4752.13 of the Revised Code biennially on or before the thirtieth day of June. For purposes of renewing certificates of registration, the board shall use a biennial registration period that begins on the first day of July of each even-numbered year and ends on the thirtieth day of June of the next succeeding even-numbered year.

(C) A certificate of registration issued under this section is valid only for the facility named in the application.

Sec. 4752.13. A certificate of registration issued under this chapter shall be renewed by the Ohio respiratory care board if the certificate holder is accredited by the joint commission on accreditation of healthcare organizations or another national accrediting body recognized by the board, as specified in rules

adopted under section 4752.17 of the Revised Code. 19798

An application for renewal of a certificate of registration 19799
shall be accompanied by the renewal fee established in rules 19800
adopted under section 4752.17 of the Revised Code. Renewals shall 19801
be made in accordance with the standard renewal procedure 19802
established under Chapter 4745. of the Revised Code and the 19803
renewal procedures established in rules adopted under section 19804
4752.17 of the Revised Code. 19805

Sec. 4905.84. (A) As used in this section: 19806

(1) "Telecommunications relay service" means intrastate 19807
transmission services that provide the ability for an individual 19808
who has a hearing or speech impairment to engage in a 19809
communication by wire or radio with a hearing individual in a 19810
manner that is functionally equivalent to the ability of an 19811
individual who does not have a hearing or speech impairment to 19812
communicate using voice communication services by wire or radio. 19813
"Telecommunications relay service" includes services that enable 19814
two-way communication between an individual who uses a 19815
telecommunications device for the deaf or other nonvoice terminal 19816
device and an individual who does not use such a device. 19817

(2) "TRS provider" means an entity selected by the public 19818
utilities commission as the provider of telecommunications relay 19819
service for this state as part of the commission's intrastate 19820
telecommunications relay service program certified pursuant to 19821
federal law. 19822

(B) For the sole purpose of funding telecommunications relay 19823
service, the commission shall, not earlier than January 1, 2009, 19824
impose on and collect from each service provider that is required 19825
under federal law to provide its customers access to 19826
telecommunications relay service an annual assessment to pay for 19827

costs incurred by the TRS provider for providing such service in 19828
Ohio. The commission shall determine the appropriate service 19829
providers to be assessed the telecommunications relay service 19830
costs, including telephone companies as defined in division (A)(2) 19831
of section 4905.03 of the Revised Code, commercial mobile radio 19832
service providers, and providers of advanced services or internet 19833
protocol-enabled services that are competitive with or 19834
functionally equivalent to basic local exchange service as defined 19835
in section 4927.01 of the Revised Code. 19836

(C) The assessment shall be allocated proportionately among 19837
the appropriate service providers using a competitively neutral 19838
formula established by the commission based on the number of 19839
retail intrastate customer access lines or their equivalent. The 19840
commission shall annually reconcile the funds collected with the 19841
actual costs of providing telecommunications relay service when it 19842
issues the assessment and shall either proportionately charge the 19843
service providers for any amounts not sufficient to cover the 19844
actual costs or proportionately credit amounts collected in excess 19845
of the actual costs. The total amount assessed from all service 19846
providers shall not exceed the total telecommunications relay 19847
service costs. 19848

Each service provider that pays the assessment shall be 19849
permitted to recover the cost of the assessment. The method of 19850
recovery may include, but is not limited to, a customer billing 19851
surcharge. 19852

The commission shall deposit the money collected in the 19853
telecommunications relay service fund, which is hereby created in 19854
the state treasury, and shall use the money in that fund solely to 19855
compensate the TRS provider. 19856

(D) The commission shall take such measures as it considers 19857
necessary to protect the confidentiality of information provided 19858
to the commission pursuant to this section by service providers 19859

required to pay the assessment. 19860

(E) The commission may assess a forfeiture of not more than 19861
one thousand dollars on any service provider failing to comply 19862
with this section. Each day's continuance of such failure is a 19863
separate offense. The forfeiture shall be recovered in accordance 19864
with sections 4905.55 to 4905.60 of the Revised Code. 19865

(F) The jurisdiction and authority granted to the commission 19866
by this section is limited to the administration and enforcement 19867
of this section. The commission may adopt such rules as it finds 19868
necessary to carry out this section. The commission shall adopt 19869
rules under Chapter 119. of the Revised Code to establish the 19870
assessment amounts and procedures. 19871

Sec. 4906.13. (A) As used in this section and sections 19872
4906.20 and 4906.98 of the Revised Code, "economically significant 19873
wind farm" means wind turbines and associated facilities with a 19874
single interconnection to the electrical grid and designed for, or 19875
capable of, operation at an aggregate capacity of five or more 19876
megawatts but less than fifty megawatts. The term excludes any 19877
such wind farm in operation on the effective date of this section. 19878
19879

(B) No public agency or political subdivision of this state 19880
may require any approval, consent, permit, certificate, or other 19881
condition for the construction or initial operation of a major 19882
utility facility or economically significant wind farm authorized 19883
by a certificate issued pursuant to Chapter 4906. of the Revised 19884
Code. Nothing herein shall prevent the application of state laws 19885
for the protection of employees engaged in the construction of 19886
such facility or wind farm nor of municipal regulations that do 19887
not pertain to the location or design of, or pollution control and 19888
abatement standards for, a major utility facility or economically 19889
significant wind farm for which a certificate has been granted 19890

under this chapter. 19891

Sec. 4906.20. (A) No person shall commence to construct an economically significant wind farm in this state without first having obtained a certificate from the power siting board. An economically significant wind farm with respect to which such a certificate is required shall be constructed, operated, and maintained in conformity with that certificate and any terms, conditions, and modifications it contains. A certificate shall be issued only pursuant to this section. The certificate may be transferred, subject to the approval of the board, to a person that agrees to comply with those terms, conditions, and modifications. 19892
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(B) The board shall adopt rules governing the certificating of economically significant wind farms under this section. Initial rules shall be adopted within one hundred twenty days after this section's effective date. 19903
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(1) The rules shall provide for an application process for certificating economically significant wind farms that is identical to the extent practicable to the process applicable to certificating major utility facilities under sections 4906.06, 4906.07, 4906.08, 4906.09, 4906.11, and 4906.12 of the Revised Code and shall prescribe a reasonable schedule of application filing fees structured in the manner of the schedule of filing fees required for major utility facilities. 19907
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(2) Additionally, the rules shall prescribe reasonable regulations regarding any wind turbines and associated facilities of an economically significant wind farm, including, but not limited to, their location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement and including erosion control, aesthetics, recreational land use, wildlife protection, interconnection with 19915
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power lines and with regional transmission organizations, 19922
independent transmission system operators, or similar 19923
organizations, ice throw, sound and noise levels, blade shear, 19924
shadow flicker, decommissioning, and necessary cooperation for 19925
site visits and enforcement investigations. The rules also shall 19926
prescribe a minimum setback for a wind turbine of an economically 19927
significant wind farm. That minimum shall be equal to a horizontal 19928
distance, from the turbine's base to the property line of the wind 19929
farm property, equal to one and one-tenth times the total height 19930
of the turbine structure as measured from its base to the tip of 19931
its highest blade and be at least seven hundred fifty feet in 19932
horizontal distance from the tip of the turbine's nearest blade at 19933
ninety degrees to the exterior of the nearest, habitable, 19934
residential structure, if any, located on adjacent property at the 19935
time of the certification application. The setback shall apply in 19936
all cases except those in which all owners of property adjacent to 19937
the wind farm property waive application of the setback to that 19938
property pursuant to a procedure the board shall establish by rule 19939
and except in which, in a particular case, the board determines 19940
that a setback greater than the minimum is necessary. 19941

19942
(C) The board shall approve, or may modify and approve, an 19943
application for economically significant wind farm certification 19944
if it finds that the construction, operation, and maintenance of 19945
the economically significant wind farm will comply with the rules 19946
adopted under division (B) of this section. The certificate shall 19947
be conditioned upon the economically significant wind farm 19948
complying with rules adopted under section 4561.32 of the Revised 19949
Code. 19950

Sec. 4906.98. (A) No person shall construct a major utility 19951
facility or economically significant wind farm without first 19952
obtaining a certificate. 19953

(B) No person shall construct, operate, or maintain a major utility facility or economically significant wind farm other than in compliance with the certificate the person has obtained.

(C) No person or economically significant wind farm shall fail to comply with any order issued pursuant to this chapter or with a suspension otherwise required under division (B) of section 4906.97 of the Revised Code.

Sec. 4928.142. (A) For the purpose of complying with section 4928.141 of the Revised Code and subject to division (D) of this section and, as applicable, subject to the rate plan requirement of division (A) of section 4928.141 of the Revised Code, an electric distribution utility may establish a standard service offer price for retail electric generation service that is delivered to the utility under a market-rate offer.

(1) The market-rate offer shall be determined through a competitive bidding process that provides for all of the following:

(a) Open, fair, and transparent competitive solicitation;

(b) Clear product definition;

(c) Standardized bid evaluation criteria;

(d) Oversight by an independent third party that shall design the solicitation, administer the bidding, and ensure that the criteria specified in division (A)(1)(a) to (c) of this section are met;

(e) Evaluation of the submitted bids prior to the selection of the least-cost bid winner or winners.

No generation supplier shall be prohibited from participating in the bidding process.

(2) The public utilities commission shall modify rules, or

adopt new rules as necessary, concerning the conduct of the 19983
competitive bidding process and the qualifications of bidders, 19984
which rules shall foster supplier participation in the bidding 19985
process and shall be consistent with the requirements of division 19986
(A)(1) of this section. 19987

(B) Prior to initiating a competitive bidding process for a 19988
market-rate offer under division (A) of this section, the electric 19989
distribution utility shall file an application with the 19990
commission. An electric distribution utility may file its 19991
application with the commission prior to the effective date of the 19992
commission rules required under division (A)(2) of this section, 19993
and, as the commission determines necessary, the utility shall 19994
immediately conform its filing to the rules upon their taking 19995
effect. 19996

An application under this division shall detail the electric 19997
distribution utility's proposed compliance with the requirements 19998
of division (A)(1) of this section and with commission rules under 19999
division (A)(2) of this section and demonstrate that all of the 20000
following requirements are met: 20001

(1) The electric distribution utility or its transmission 20002
service affiliate belongs to at least one regional transmission 20003
organization that has been approved by the federal energy 20004
regulatory commission; or there otherwise is comparable and 20005
nondiscriminatory access to the electric transmission grid. 20006

(2) Any such regional transmission organization has a 20007
market-monitor function and the ability to take actions to 20008
identify and mitigate market power or the electric distribution 20009
utility's market conduct; or a similar market monitoring function 20010
exists with commensurate ability to identify and monitor market 20011
conditions and mitigate conduct associated with the exercise of 20012
market power. 20013

(3) A published source of information is available publicly 20014
or through subscription that identifies pricing information for 20015
traded electricity on- and off-peak energy products that are 20016
contracts for delivery beginning at least two years from the date 20017
of the publication and is updated on a regular basis. 20018

The commission shall initiate a proceeding and, within ninety 20019
days after the application's filing date, shall determine by order 20020
whether the electric distribution utility and its market-rate 20021
offer meet all of the foregoing requirements. If the finding is 20022
positive, the electric distribution utility may initiate its 20023
competitive bidding process. If the finding is negative as to one 20024
or more requirements, the commission in the order shall direct the 20025
electric distribution utility regarding how any deficiency may be 20026
remedied in a timely manner to the commission's satisfaction; 20027
otherwise, the electric distribution utility shall withdraw the 20028
application. However, if such remedy is made and the subsequent 20029
finding is positive and also if the electric distribution utility 20030
made a simultaneous filing under this section and section 4928.143 20031
of the Revised Code, the utility shall not initiate its 20032
competitive bid until at least one hundred fifty days after the 20033
filing date of those applications. 20034

(C) Upon the completion of the competitive bidding process 20035
authorized by divisions (A) and (B) of this section, including for 20036
the purpose of division (D) of this section, the commission shall 20037
select the least-cost bid winner or winners of that process, and 20038
such selected bid or bids, as prescribed as retail rates by the 20039
commission, shall be the electric distribution utility's standard 20040
service offer unless the commission, by order issued before the 20041
third calendar day following the conclusion of the competitive 20042
bidding process for the market rate offer, determines that one or 20043
more of the following criteria were not met: 20044

(1) Each portion of the bidding process was oversubscribed, 20045

such that the amount of supply bid upon was greater than the 20046
amount of the load bid out. 20047

(2) There were four or more bidders. 20048

(3) At least twenty-five per cent of the load is bid upon by 20049
one or more persons other than the electric distribution utility. 20050

All costs incurred by the electric distribution utility as a 20051
result of or related to the competitive bidding process or to 20052
procuring generation service to provide the standard service 20053
offer, including the costs of energy and capacity and the costs of 20054
all other products and services procured as a result of the 20055
competitive bidding process, shall be timely recovered through the 20056
standard service offer price, and, for that purpose, the 20057
commission shall approve a reconciliation mechanism, other 20058
recovery mechanism, or a combination of such mechanisms for the 20059
utility. 20060

(D) The first application filed under this section by an 20061
electric distribution utility that, as of ~~the effective date of~~ 20062
~~this section~~ July 31, 2008, directly owns, in whole or in part, 20063
operating electric generating facilities that had been used and 20064
useful in this state shall require that a portion of that 20065
utility's standard service offer load for the first five years of 20066
the market rate offer be competitively bid under division (A) of 20067
this section as follows: ten per cent of the load in year one ~~and,~~ 20068
not ~~less~~ more than twenty per cent in year two, thirty per cent in 20069
year three, forty per cent in year four, and fifty per cent in 20070
year five. Consistent with those percentages, the commission shall 20071
determine the actual percentages for each year of years one 20072
through five. The standard service offer price for retail electric 20073
generation service under this first application shall be a 20074
proportionate blend of the bid price and the generation service 20075
price for the remaining standard service offer load, which latter 20076
price shall be equal to the electric distribution utility's most 20077

recent standard service offer price, adjusted upward or downward 20078
as the commission determines reasonable, relative to the 20079
jurisdictional portion of any known and measurable changes from 20080
the level of any one or more of the following costs as reflected 20081
in that most recent standard service offer price: 20082

(1) The electric distribution utility's prudently incurred 20084
cost of fuel used to produce electricity; 20085

(2) Its prudently incurred purchased power costs; 20086

(3) Its prudently incurred costs of satisfying the supply and 20087
demand portfolio requirements of this state, including, but not 20088
limited to, renewable energy resource and energy efficiency 20089
requirements; 20090

(4) Its costs prudently incurred to comply with environmental 20091
laws and regulations, with consideration of the derating of any 20092
facility associated with those costs. 20093

In making any adjustment to the most recent standard service 20094
offer price on the basis of costs described in division (D) of 20095
this section, the commission shall include the benefits that may 20096
become available to the electric distribution utility as a result 20097
of or in connection with the costs included in the adjustment, 20098
including, but not limited to, the utility's receipt of emissions 20099
credits or its receipt of tax benefits or of other benefits, and, 20100
accordingly, the commission may impose such conditions on the 20101
adjustment to ensure that any such benefits are properly aligned 20102
with the associated cost responsibility. The commission shall also 20103
determine how such adjustments will affect the electric 20104
distribution utility's return on common equity that may be 20105
achieved by those adjustments. The commission shall not apply its 20106
consideration of the return on common equity to reduce any 20107
adjustments authorized under this division unless the adjustments 20108

will cause the electric distribution utility to earn a return on common equity that is significantly in excess of the return on common equity that is earned by publicly traded companies, including utilities, that face comparable business and financial risk, with such adjustments for capital structure as may be appropriate. The burden of proof for demonstrating that significantly excessive earnings will not occur shall be on the electric distribution utility.

Additionally, the commission may adjust the electric distribution utility's most recent standard service offer price by such just and reasonable amount that the commission determines necessary to address any emergency that threatens the utility's financial integrity or to ensure that the resulting revenue available to the utility for providing the standard service offer is not so inadequate as to result, directly or indirectly, in a taking of property without compensation pursuant to Section 19 of Article I, Ohio Constitution. The electric distribution utility has the burden of demonstrating that any adjustment to its most recent standard service offer price is proper in accordance with this division.

(E) Beginning in the second year of a blended price under division (D) of this section and notwithstanding any other requirement of this section, the commission may alter prospectively the proportions specified in that division to mitigate any effect of an abrupt or significant change in the electric distribution utility's standard service offer price that would otherwise result in general or with respect to any rate group or rate schedule but for such alteration. Any such alteration shall be made not more often than annually, and the commission shall not, by altering those proportions and in any event, including because of the length of time, as authorized under division (C) of this section, taken to approve the market

rate offer, cause the duration of the blending period to exceed 20141
ten years as counted from the effective date of the approved 20142
market rate offer. Additionally, any such alteration shall be 20143
limited to an alteration affecting the prospective proportions 20144
used during the blending period and shall not affect any blending 20145
proportion previously approved and applied by the commission under 20146
this division. 20147

(F) An electric distribution utility that has received 20148
commission approval of its first application under division (C) of 20149
this section shall not, nor ever shall be authorized or required 20150
by the commission to, file an application under section 4928.143 20151
of the Revised Code. 20152

Sec. 4928.20. (A) The legislative authority of a municipal 20153
corporation may adopt an ordinance, or the board of township 20154
trustees of a township or the board of county commissioners of a 20155
county may adopt a resolution, under which, on or after the 20156
starting date of competitive retail electric service, it may 20157
aggregate in accordance with this section the retail electrical 20158
loads located, respectively, within the municipal corporation, 20159
township, or unincorporated area of the county and, for that 20160
purpose, may enter into service agreements to facilitate for those 20161
loads the sale and purchase of electricity. The legislative 20162
authority or board also may exercise such authority jointly with 20163
any other such legislative authority or board. For customers that 20164
are not mercantile customers, an ordinance or resolution under 20165
this division shall specify whether the aggregation will occur 20166
only with the prior, affirmative consent of each person owning, 20167
occupying, controlling, or using an electric load center proposed 20168
to be aggregated or will occur automatically for all such persons 20169
pursuant to the opt-out requirements of division (D) of this 20170
section. The aggregation of mercantile customers shall occur only 20171
with the prior, affirmative consent of each such person owning, 20172

occupying, controlling, or using an electric load center proposed 20173
to be aggregated. Nothing in this division, however, authorizes 20174
the aggregation of the retail electric loads of an electric load 20175
center, as defined in section 4933.81 of the Revised Code, that is 20176
located in the certified territory of a nonprofit electric 20177
supplier under sections 4933.81 to 4933.90 of the Revised Code or 20178
an electric load center served by transmission or distribution 20179
facilities of a municipal electric utility. 20180

(B) If an ordinance or resolution adopted under division (A) 20181
of this section specifies that aggregation of customers that are 20182
not mercantile customers will occur automatically as described in 20183
that division, the ordinance or resolution shall direct the board 20184
of elections to submit the question of the authority to aggregate 20185
to the electors of the respective municipal corporation, township, 20186
or unincorporated area of a county at a special election on the 20187
day of the next primary or general election in the municipal 20188
corporation, township, or county. The legislative authority or 20189
board shall certify a copy of the ordinance or resolution to the 20190
board of elections not less than seventy-five days before the day 20191
of the special election. No ordinance or resolution adopted under 20192
division (A) of this section that provides for an election under 20193
this division shall take effect unless approved by a majority of 20194
the electors voting upon the ordinance or resolution at the 20195
election held pursuant to this division. 20196

(C) Upon the applicable requisite authority under divisions 20197
(A) and (B) of this section, the legislative authority or board 20198
shall develop a plan of operation and governance for the 20199
aggregation program so authorized. Before adopting a plan under 20200
this division, the legislative authority or board shall hold at 20201
least two public hearings on the plan. Before the first hearing, 20202
the legislative authority or board shall publish notice of the 20203
hearings once a week for two consecutive weeks in a newspaper of 20204

general circulation in the jurisdiction. The notice shall 20205
summarize the plan and state the date, time, and location of each 20206
hearing. 20207

(D) No legislative authority or board, pursuant to an 20208
ordinance or resolution under divisions (A) and (B) of this 20209
section that provides for automatic aggregation of customers that 20210
are not mercantile customers as described in division (A) of this 20211
section, shall aggregate the electrical load of any electric load 20212
center located within its jurisdiction unless it in advance 20213
clearly discloses to the person owning, occupying, controlling, or 20214
using the load center that the person will be enrolled 20215
automatically in the aggregation program and will remain so 20216
enrolled unless the person affirmatively elects by a stated 20217
procedure not to be so enrolled. The disclosure shall state 20218
prominently the rates, charges, and other terms and conditions of 20219
enrollment. The stated procedure shall allow any person enrolled 20220
in the aggregation program the opportunity to opt out of the 20221
program every three years, without paying a switching fee. Any 20222
such person that opts out before the commencement of the 20223
aggregation program pursuant to the stated procedure shall default 20224
to the standard service offer provided under section 4928.14 or 20225
division (D) of section 4928.35 of the Revised Code until the 20226
person chooses an alternative supplier. 20227

(E)(1) With respect to a governmental aggregation for a 20228
municipal corporation that is authorized pursuant to divisions (A) 20229
to (D) of this section, resolutions may be proposed by initiative 20230
or referendum petitions in accordance with sections 731.28 to 20231
731.41 of the Revised Code. 20232

(2) With respect to a governmental aggregation for a township 20233
or the unincorporated area of a county, which aggregation is 20234
authorized pursuant to divisions (A) to (D) of this section, 20235
resolutions may be proposed by initiative or referendum petitions 20236

in accordance with sections 731.28 to 731.40 of the Revised Code, 20237
except that: 20238

(a) The petitions shall be filed, respectively, with the 20239
township fiscal officer or the board of county commissioners, who 20240
shall perform those duties imposed under those sections upon the 20241
city auditor or village clerk. 20242

(b) The petitions shall contain the signatures of not less 20243
than ten per cent of the total number of electors in, 20244
respectively, the township or the unincorporated area of the 20245
county who voted for the office of governor at the preceding 20246
general election for that office in that area. 20247

(F) A governmental aggregator under division (A) of this 20248
section is not a public utility engaging in the wholesale purchase 20249
and resale of electricity, and provision of the aggregated service 20250
is not a wholesale utility transaction. A governmental aggregator 20251
shall be subject to supervision and regulation by the public 20252
utilities commission only to the extent of any competitive retail 20253
electric service it provides and commission authority under this 20254
chapter. 20255

(G) This section does not apply in the case of a municipal 20256
corporation that supplies such aggregated service to electric load 20257
centers to which its municipal electric utility also supplies a 20258
noncompetitive retail electric service through transmission or 20259
distribution facilities the utility singly or jointly owns or 20260
operates. 20261

(H) A governmental aggregator shall not include in its 20262
aggregation the accounts of any of the following: 20263

(1) A customer that has opted out of the aggregation; 20264

(2) A customer in contract with a certified electric services 20265
company; 20266

(3) A customer that has a special contract with an electric distribution utility; 20267
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(4) A customer that is not located within the governmental aggregator's governmental boundaries; 20269
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(5) Subject to division (C) of section 4928.21 of the Revised Code, a customer who appears on the "do not aggregate" list maintained under that section. 20271
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(I) Customers that are part of a governmental aggregation under this section shall be responsible only for such portion of a surcharge under section 4928.144 of the Revised Code that is proportionate to the benefits, as determined by the commission, that electric load centers within the jurisdiction of the governmental aggregation's customers aggregation as an aggregated a group receive. The proportionate surcharge so established shall apply to each customer of the governmental aggregation while the customer is part of that aggregation. If a customer ceases being such a customer, the otherwise applicable surcharge shall apply. Nothing in this section shall result in less than full recovery by an electric distribution utility of any surcharge authorized under section 4928.144 of the Revised Code. 20274
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(J) On behalf of the customers that are part of a governmental aggregation under this section and by filing written notice with the public utilities commission, the legislative authority that formed or is forming that governmental aggregation may elect not to receive standby service within the meaning of division (B)(2)~~(e)~~(d) of section 4928.143 of the Revised Code from an electric distribution utility in whose certified territory the governmental aggregation is located and that operates under an approved electric security plan under that section. Upon the filing of that notice, the electric distribution utility shall not charge any such customer to whom electricity is delivered competitive retail electric generation service is provided by 20287
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another supplier under the governmental aggregation for the 20299
standby service. Any such consumer that returns to the utility for 20300
competitive retail electric service shall pay the market price of 20301
power incurred by the utility to serve that consumer plus any 20302
amount attributable to the utility's cost of compliance with the 20303
alternative energy resource provisions of section 4928.64 of the 20304
Revised Code to serve the consumer. Such market price shall 20305
include, but not be limited to, capacity and energy charges; all 20306
charges associated with the provision of that power supply through 20307
the regional transmission organization, including, but not limited 20308
to, transmission, ancillary services, congestion, and settlement 20309
and administrative charges; and all other costs incurred by the 20310
utility that are associated with the procurement, provision, and 20311
administration of that power supply, as such costs may be approved 20312
by the commission. The period of time during which the market 20313
price and alternative energy resource amount shall be so assessed 20314
on the consumer shall be from the time the consumer so returns to 20315
the electric distribution utility until the expiration of the 20316
electric security plan. However, if that period of time is 20317
expected to be more than two years, the commission may reduce the 20318
time period to a period of not less than two years. 20319

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(K) The commission shall adopt rules to encourage and promote 20321
large-scale governmental aggregation in this state. For that 20322
purpose, the commission shall conduct an immediate review of any 20323
rules it has adopted for the purpose of this section that are in 20324
effect on the effective date of the amendment of this section by 20325
S.B. 221 of the 127th general assembly, July 31, 2008. Further, 20326
within the context of an electric security plan under section 20327
4928.143 of the Revised Code, the commission shall consider the 20328
effect on large-scale governmental aggregation of any 20329
nonbypassable generation charges, however collected, that would be 20330
established under that plan, except any nonbypassable generation 20331

~~charge charges~~ that ~~relates~~ relate to a any cost incurred by the electric distribution utility, the deferral of which has been authorized by the commission prior to the effective date of the amendment of this section by S.B. 221 of the 127th general assembly, July 31, 2008.

Sec. 4981.14. (A) The Ohio rail development commission may exercise all powers necessary or appropriate to carry out its corporate purposes.

(B) The commission may do all of the following:

(1) Adopt, and from time to time, ratify, amend, and repeal bylaws necessary and proper for the regulation of its affairs and the conduct of its business and rules to implement and make effective its powers and duties;

(2) Adopt an official seal;

(3) Maintain a principal office in Columbus and, if necessary, regional sub-offices at locations properly designated or provided;

(4) Sue and be sued in its own name and plead and be impleaded in its own name, particularly to enforce the obligations and covenants made under this section and sections 4981.13~~7~~, ~~4981.14~~, and 4981.29 of the Revised Code. Any actions against the commission shall be brought in the court of common pleas in Franklin county, in which the principal office of the commission shall be located.

(5) Undertake or cause to be undertaken the acquisition, renovation, repair, refunding, operation, maintenance, or construction of any rail service project;

(6) Establish and operate a revolving loan fund for the purpose of making loans to qualifying subdivisions, local or regional transportation authorities, or other persons for the

acquisition, renovation, repair, refunding, or construction of 20362
rail service projects by such qualifying subdivisions, local or 20363
regional transportation authorities, and private corporations or 20364
organizations, and the repayment thereof from project financing 20365
proceeds and revenues; purchase the obligations of counties and 20366
municipal corporations issued for the acquisition, renovation, 20367
repair, or construction of rail service projects by such 20368
qualifying subdivisions and local or regional transportation 20369
authorities; and adopt rules and procedures for making those loans 20370
or purchasing those obligations; 20371

(7) Issue bonds and notes and refunding obligations of the 20372
state, payable as provided in this chapter unless the bonds are 20373
refunded by refunding bonds, for the purpose of borrowing money to 20374
implement any power granted by divisions (B)(5) and (6) of this 20375
section for one or more rail service projects or parts thereof; 20376

(8) Acquire by gift or purchase, hold, or dispose of real and 20377
personal property in the exercise of its powers and performance of 20378
its duties as set forth in this chapter; 20379

(9) Make and enter into all contracts and agreements and 20380
execute all instruments necessary or incidental to the performance 20381
of its duties and the execution of its powers and to employ 20382
natural persons to act on behalf of the commission, and to 20383
establish the terms and conditions of such employment; 20384

(10) Receive and accept from any federal agency or other 20385
person, subject to the approval of the governor, grants for or in 20386
aid of the construction, repair, renovation, operation, 20387
maintenance, or acquisition of rail service projects, and receive 20388
and accept aid or contributions from any source of money, 20389
property, labor, or other things of value, to be held, used, and 20390
applied only for the purposes for which the grants and 20391
contributions are made; 20392

(11) Purchase property coverage and liability insurance for 20393
any rail service project and for any offices of the commission, 20394
insurance protecting the commission and its officers and employees 20395
against liability, if any, or damage to property or injury to or 20396
death of persons arising from its operations, and any other 20397
insurance the commission may agree to provide under any resolution 20398
authorizing the issuance of bonds in accordance with sections 20399
4981.11 to 4981.26 of the Revised Code, or in any trust agreement 20400
securing the same; 20401

(12) Establish or increase reserves from moneys received or 20402
to be received by the commission to secure or pay the principal of 20403
and interest on bonds, notes, or other obligations issued by the 20404
commission pursuant to this chapter or other law. Moneys, funds, 20405
and accounts of the commission, however, are subject only to audit 20406
by the auditor of state and all moneys, funds, and accounts shall 20407
be held in custody or deposited as directed by resolution of the 20408
commission and unless otherwise provided by law all moneys of the 20409
commission not pledged to the holders of bonds of the commission 20410
shall be appropriated by the general assembly. 20411

(13) Receive and disburse the proceeds of general obligation 20412
or other bonds of the state or agencies thereof as may be allowed 20413
by law pursuant to any resolution or act of the general assembly; 20414

(14) To the extent permitted under its contracts with the 20415
holders of bonds or notes of the commission, consent to 20416
modification of the rate of interest, time and payment of 20417
installment of principal or interest, security, or any other term 20418
of a bond, contract, or agreement of any kind to which the 20419
commission is a party; 20420

(15) Make grants to counties or municipal corporations, 20421
qualifying subdivisions, local or regional transportation 20422
authorities, or other persons for one or more rail service 20423
projects ~~of~~ or parts thereof; 20424

(16) Provide consultation services to any qualifying subdivision, local or regional transportation authority, or other person in connection with the acquisition, renovation, repair, or construction of any rail service project; 20425
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(17) Establish and amend the criteria and qualifications for the making of any loan to or the purchasing of any bond from any qualifying subdivision, local or regional transportation authority, or other person and the terms not inconsistent with this chapter of any loan or bond purchase agreement with any qualifying subdivision, local or regional transportation authority, or other person; 20429
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(18) Deposit money received from the repayment of loans and recoveries from the sale, lease, or other disposition of property acquired or constructed from amounts loaned by the commission pursuant to section 4981.13 of the Revised Code or division (B) of this section, in an account pledged to secure, and applied to the repayment, without the need for appropriation, of, obligations issued under section 166.08 of the Revised Code to pay the costs of property, facilities, or equipment that qualifies as rail service projects; enter into agreements with the treasurer of state or a corporate trustee for such obligations to provide for the deposit and pledge of such money as specified in the agreement, to permit the withdrawal of money by the treasurer of state or corporate trustee from the account as necessary for application to the payment of debt service on such obligations, and to permit the investment of those amounts, without regard to Chapter 131. or 135. of the Revised Code, pending their application to the payment of debt service; and enter into agreements with persons to provide for the repayment of any amounts paid from any pledged account in connection with obligations issued under section 166.08 of the Revised Code; 20436
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(19) Do all acts necessary and proper to carry out the powers 20456

expressly granted to the commission in this chapter. 20457

(C) Any instrument by which real property is acquired 20458
pursuant to this section shall identify the agency of the state 20459
that has the use and benefit of the real property as specified in 20460
section 5301.012 of the Revised Code. 20461

Sec. 5101.143. (A) The state adoption assistance loan fund is 20462
hereby created in the state treasury. The fund shall consist of 20463
all money appropriated or transferred to it and all loan 20464
repayments or other money, including interest and penalties, 20465
derived from state adoption assistance loans. The department of 20466
job and family services shall administer the fund. Money in the 20467
fund shall be used to make state adoption assistance loans to 20468
prospective adoptive parents applying for a loan under section 20469
3107.018 of the Revised Code. All investment earnings of the fund 20470
shall be credited to the fund. 20471

(B) The director of job and family services shall adopt rules 20472
in accordance with Chapter 119. of the Revised Code as necessary 20473
to implement this section, including rules for creating a loan 20474
application form, procedures and standards for reviewing and 20475
granting or denying loan applications, conditions on the use of 20476
the loan, loan repayment terms, procedures for collection of loan 20477
arrearages, and any monetary penalties for loan arrearages or 20478
improper use of loan funds. 20479

Sec. 5101.26. As used in this section and in sections 5101.27 20480
to 5101.30 of the Revised Code: 20481

(A) "County agency" means a county department of job and 20482
family services or a public children services agency. 20483

(B) "Fugitive felon" means an individual who is fleeing to 20484
avoid prosecution, or custody or confinement after conviction, 20485
under the laws of the place from which the individual is fleeing, 20486

for a crime or an attempt to commit a crime that is a felony under 20487
the laws of the place from which the individual is fleeing or, in 20488
the case of New Jersey, a high misdemeanor, regardless of whether 20489
the individual has departed from the individual's usual place of 20490
residence. 20491

(C) "Information" means records as defined in section 149.011 20492
of the Revised Code, any other documents in any format, and data 20493
derived from records and documents that are generated, acquired, 20494
or maintained by the department of job and family services, a 20495
county agency, or an entity performing duties on behalf of the 20496
department or a county agency. 20497

(D) "Law enforcement agency" means the state highway patrol, 20498
an agency that employs peace officers as defined in section 109.71 20499
of the Revised Code, the adult parole authority, a county 20500
department of probation, a prosecuting attorney, the attorney 20501
general, similar agencies of other states, federal law enforcement 20502
agencies, and postal inspectors. "Law enforcement agency" includes 20503
the peace officers and other law enforcement officers employed by 20504
the agency. 20505

(E) "Medical assistance provided under a public assistance 20506
program" means medical assistance provided under the programs 20507
established under sections 5101.49, 5101.50 to 5101.503, 5101.51 20508
to 5101.5110, ~~and~~ 5101.52 to 5101.529, and 5101.5211 to 5101.5216, 20509
Chapters 5111. and 5115., or any other provision of the Revised 20510
Code. 20511

(F) "Public assistance" means financial assistance, medical 20512
assistance, or social services provided under a program 20513
administered by the department of job and family services or a 20514
county agency pursuant to Chapter 329., 5101., 5104., 5107., 20515
5108., 5111., or 5115. of the Revised Code or an executive order 20516
issued under section 107.17 of the Revised Code. 20517

(G) "Public assistance recipient" means an applicant for or recipient or former recipient of public assistance. 20518
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Sec. 5101.5211. (A) As used in sections 5101.5211 to 5101.5216 of the Revised Code: 20520
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"Children's buy-in program" means the program established under sections 5101.5211 to 5101.5216 of the Revised Code. 20522
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"Countable family income" has the meaning established in rules adopted under section 5101.5215 of the Revised Code. 20524
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"Creditable coverage" has the same meaning as in 42 U.S.C. 300gg(c)(1), except that it does not mean medical assistance available under the children's buy-in program or the program for medically handicapped children. 20526
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"Family" has the meaning established in rules adopted under section 5101.5215 of the Revised Code. 20530
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"Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code. 20532
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"Program for medically handicapped children" means the program established under sections 3701.021 to 3701.0210 of the Revised Code. 20534
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(B) The director of job and family services shall establish the children's buy-in program in accordance with sections 5101.5211 to 5101.5216 of the Revised Code. The director shall submit to the United States secretary of health and human services an amendment to the state medicaid plan, an amendment to the state child health plan, one or more requests for a federal waiver, or such an amendment and waiver requests as necessary to seek federal matching funds for the children's buy-in program. The director shall not begin implementation of the program until after submitting the amendment, waiver request, or both. The director may begin implementation of the program before receiving approval 20537
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of the amendment, waiver request, or both using state funds only. 20548
The director shall implement the program regardless of whether the 20549
amendment, waiver request, or both are denied. The program shall 20550
be funded with state funds only if the United States secretary 20551
denies federal matching funds for the program. If the United 20552
States secretary approves federal matching funds for the program 20553
and if permitted under the terms of the approval, the program 20554
shall be operated as part of the medicaid program, the children's 20555
health insurance program, or both. 20556

Sec. 5101.5212. Under the children's buy-in program and 20557
subject to section 5101.5213 of the Revised Code, an individual 20558
who does both of the following in accordance with rules adopted 20559
under section 5101.5215 of the Revised Code qualifies for medical 20560
assistance under the program, unless the director of job and 20561
family services has adopted rules under division (B) of section 20562
5101.5215 of the Revised Code to limit the number of individuals 20563
who may participate in the program at one time and the program is 20564
serving the maximum number of individuals specified in the rules: 20565

- (A) Applies for the children's buy-in program; 20567
- (B) Provides satisfactory evidence of all of the following: 20568
 - (1) That the individual is under nineteen years of age; 20569
 - (2) That the individual's countable family income exceeds 20570
~~three~~ two hundred fifty per cent of the federal poverty 20571
guidelines; 20572
 - (3) That the individual has not had creditable coverage for 20573
at least six months before enrolling in the children's buy-in 20574
program, unless the individual lost the only creditable coverage 20575
available to the individual because the individual exhausted a 20576
lifetime benefit limitation; 20577

(4) That one or more of the following apply to the individual:	20578 20579
(a) The individual is unable to obtain creditable coverage due to a pre-existing condition of the individual;	20580 20581
(b) The individual lost the only creditable coverage available to the individual because the individual has exhausted a lifetime benefit limitation;	20582 20583 20584
(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;	20585 20586 20587
(d) The individual participates in the program for medically handicapped children.	20588 20589
(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.	20590 20591 20592
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:	20593 20594 20595 20596 20597
(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:	20598 20599 20600 20601
(a) If no other member of the individual's family receives medical assistance under the program with the individual, one hundred dollars;	20602 20603 20604
(b) If one or more members of the individual's family receive medical assistance under the program with the individual, one hundred fifty dollars.	20605 20606 20607

(2) In the case of an individual with countable family income 20608
exceeding four hundred per cent but not exceeding five hundred per 20609
cent of the federal poverty guidelines, the following amount: 20610

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(a) If no other member of the individual's family receives 20612
medical assistance under the program with the individual, one 20613
hundred twenty-five dollars; 20614

(b) If one or more members of the individual's family receive 20615
medical assistance under the program with the individual, one 20616
hundred seventy-five dollars. 20617

(3) In the case of an individual with countable family income 20618
exceeding five hundred per cent of the federal poverty guidelines, 20619
the full amount of the actuarially determined cost of the premium. 20620

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(B) If the premium for the children's buy-in program is not 20622
paid for two consecutive months, the individual shall lose 20623
eligibility for the program. The individual may not resume 20624
participation in the program until the unpaid premiums that 20625
accrued before the individual lost eligibility are paid. 20626

Sec. 5101.5214. (A) An individual participating in the 20627
children's buy-in program ~~may~~ shall be charged co-payments ~~to the~~ 20628
~~extent required~~ established by rules, ~~if any,~~ adopted under 20629
~~division (B)~~ of section 5101.5215 of the Revised Code. 20630

(B) Notwithstanding division (B) of section 5111.0112 of the 20631
Revised Code, if applicable, and to the extent permitted by 20632
federal law, a provider may refuse to provide a service to an 20633
individual if a co-payment ~~authorized~~ required by this section is 20634
not paid. 20635

Sec. 5101.5215. (A) The director of job and family services 20636
shall adopt rules in accordance with Chapter 119. of the Revised 20637

Code as necessary to implement the children's buy-in program, 20638
including rules that do all of the following: 20639

(1) Establish the meaning of "countable family income" and 20640
"family"; 20641

(2) For the purpose of section 5101.5212 of the Revised Code, 20642
establish additional eligibility requirements for the program; 20643
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(3) For the purpose of section 5101.5213 of the Revised Code, 20645
establish monthly premiums for the children's buy-in program; 20646
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(4) For the purpose of section 5101.5214 of the Revised Code, 20648
establish copayment requirements for the children's buy-in 20649
program. 20650

(B) The director may adopt rules in accordance with Chapter 20651
119. of the Revised Code to ~~establish co-payment requirements for~~ 20652
limit the number of individuals participating who may participate 20653
in the children's buy-in program at one time. 20654

Sec. 5101.571. As used in sections 5101.571 to 5101.591 of 20655
the Revised Code: 20656

(A) "Information" means all of the following: 20657

(1) An individual's name, address, date of birth, and social 20658
security number; 20659

(2) The group or plan number, or other identifier, assigned 20660
by a third party to a policy held by an individual or a plan in 20661
which the individual participates and the nature of the coverage; 20662

(3) Any other data the director of job and family services 20663
specifies in rules adopted under section 5101.591 of the Revised 20664
Code. 20665

(B) "Medical assistance" means medical items or services 20666

provided under any of the following: 20667

(1) Medicaid, as defined in section 5111.01 of the Revised Code; 20668
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(2) The children's health insurance program part I, part II, 20670
and part III established under sections 5101.50 to 5101.529 of the 20671
Revised Code; 20672

(3) The disability medical assistance program established 20673
under Chapter 5115. of the Revised Code; 20674

(4) The children's buy-in program established under sections 20675
5101.5211 to 5101.5216 of the Revised Code. 20676

(C) "Medical support" means support specified as support for 20677
the purpose of medical care by order of a court or administrative 20678
agency. 20679

(D) "Public assistance" means medical assistance or 20680
assistance under the Ohio works first program established under 20681
Chapter 5107. of the Revised Code. 20682

(E)(1) Subject to division (E)(2) of this section, and except 20683
as provided in division (E)(3) of this section, "third party" 20684
means all of the following: 20685

(a) A person authorized to engage in the business of sickness 20686
and accident insurance under Title XXXIX of the Revised Code; 20687

(b) A person or governmental entity providing coverage for 20688
medical services or items to individuals on a self-insurance 20689
basis; 20690

(c) A health insuring corporation as defined in section 20691
1751.01 of the Revised Code; 20692

(d) A group health plan as defined in 29 U.S.C. 1167; 20693

(e) A service benefit plan as referenced in 42 U.S.C. 20694
1396a(a)(25); 20695

(f) A managed care organization;	20696
(g) A pharmacy benefit manager;	20697
(h) A third party administrator;	20698
(i) Any other person or governmental entity that is, by law, contract, or agreement, responsible for the payment or processing of a claim for a medical item or service for a public assistance recipient or participant.	20699 20700 20701 20702
(2) Except when otherwise provided by 42 U.S.C. 1395y(b), a person or governmental entity listed in division (E)(1) of this section is a third party even if the person or governmental entity limits or excludes payments for a medical item or service in the case of a public assistance recipient.	20703 20704 20705 20706 20707
(3) "Third party" does not include the program for medically handicapped children established under section 3701.023 of the Revised Code.	20708 20709 20710
Sec. 5101.572. (A) A third party shall cooperate with the department of job and family services in identifying individuals for the purpose of establishing third party liability pursuant to Title XIX of the Social Security Act, as amended.	20711 20712 20713 20714
(B) In furtherance of the requirement in division (A) of this section and to allow the department to determine any period that the individual or the individual's spouse or dependent may have been covered by the third party and the nature of the coverage, a third party shall provide, as the department so chooses, information or access to information, or both, in the third party's electronic data system on the department's request and in accordance with division (C) of this section.	20715 20716 20717 20718 20719 20720 20721 20722
(C)(1) If the department chooses to receive information directly, the third party shall provide the information under all of the following circumstances:	20723 20724 20725

(a) In a medium, format, and manner prescribed by the 20726
director of job and family services in rules adopted under section 20727
5101.591 of the Revised Code; 20728

(b) Free of charge; 20729

(c) Not later than the end of the thirtieth day after the 20730
department makes its request, unless a different time is agreed to 20731
by the director in writing. 20732

(2) If the department chooses to receive access to 20733
information, the third party shall provide access by a method 20734
prescribed by the director of job and family services in rules 20735
adopted under section 5101.591 of the Revised Code. In 20736
facilitating access, the department may enter into a trading 20737
partner agreement with the third party to permit the exchange of 20738
information via "ASC X 12N 270/271 Health Care Eligibility Benefit 20739
Inquiry and Response" transactions. 20740

(D) All of the following apply with respect to information 20741
provided by a third party to the department under this section: 20742

(1) The information is confidential and not a public record 20743
under section 149.43 of the Revised Code. 20744

(2) The release of information to the department is not to be 20745
considered a violation of any right of confidentiality or contract 20746
that the third party may have with covered persons including, but 20747
not limited to, contractees, beneficiaries, heirs, assignees, and 20748
subscribers. 20749

(3) The third party is immune from any liability that it may 20750
otherwise incur through its release of information to the 20751
department. 20752

The department of job and family services shall limit its use 20753
of information gained from third parties to purposes directly 20754
connected with the administration of the medicaid program and the 20755

child support program authorized by Title IV-D of the "Social Security Act." 20756
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(E) No third party shall disclose to other parties or make 20758
use of any information regarding recipients of aid under Chapter 20759
5107. or 5111. of the Revised Code that it obtains from the 20760
department, except in the manner provided for by the director of 20761
job and family services in administrative rules. 20762

Sec. 5101.58. (A) The acceptance of public assistance gives 20763
an automatic right of recovery to the department of job and family 20764
services and a county department of job and family services 20765
against the liability of a third party for the cost of medical 20766
assistance paid on behalf of the public assistance recipient or 20767
participant. When an action or claim is brought against a third 20768
party by a public assistance recipient or participant, any 20769
payment, settlement or compromise of the action or claim, or any 20770
court award or judgment, is subject to the recovery right of the 20771
department of job and family services or county department of job 20772
and family services. Except in the case of a recipient or 20773
participant who receives medical assistance through a managed care 20774
organization, the department's or county department's claim shall 20775
not exceed the amount of medical assistance paid by a department 20776
on behalf of the recipient or participant. A payment, settlement, 20777
compromise, judgment, or award that excludes the cost of medical 20778
assistance paid for by a department shall not preclude a 20779
department from enforcing its rights under this section. 20780

(B) In the case of a recipient or participant who receives 20782
medical assistance through a managed care organization, the amount 20783
of the department's or county department's claim shall be the 20784
amount the managed care organization pays for medical assistance 20785
rendered to the recipient or participant, even if that amount is 20786

more than the amount a department pays to the managed care organization for the recipient's or participant's medical assistance. 20787
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(C) A recipient or participant, and the recipient's or participant's attorney, if any, shall cooperate with the departments. In furtherance of this requirement, the recipient or participant, or the recipient's or participant's attorney, if any, shall, not later than thirty days after initiating informal recovery activity or filing a legal recovery action against a third party, provide written notice of the activity or action to the appropriate department or departments as follows: 20790
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(1) To only the department of job and family services when medical assistance under medicaid or the children's buy-in program has been paid; 20798
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(2) To the department of job and family services and the appropriate county department of job and family services when medical assistance under the disability medical assistance program has been paid. 20801
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(D) The written notice that must be given under division (C) of this section shall disclose the identity and address of any third party against whom the recipient or participant has or may have a right of recovery. 20805
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(E) No settlement, compromise, judgment, or award or any recovery in any action or claim by a recipient or participant where the departments have a right of recovery shall be made final without first giving the appropriate departments written notice as described in division (C) of this section and a reasonable opportunity to perfect their rights of recovery. If the departments are not given the appropriate written notice, the recipient or participant and, if there is one, the recipient's or participant's attorney, are liable to reimburse the departments 20809
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for the recovery received to the extent of medical payments made 20818
by the departments. 20819

(F) The departments shall be permitted to enforce their 20820
recovery rights against the third party even though they accepted 20821
prior payments in discharge of their rights under this section if, 20822
at the time the departments received such payments, they were not 20823
aware that additional medical expenses had been incurred but had 20824
not yet been paid by the departments. The third party becomes 20825
liable to the department of job and family services or county 20826
department of job and family services as soon as the third party 20827
is notified in writing of the valid claims for recovery under this 20828
section. 20829

(G)(1) Subject to division (G)(2) of this section, the right 20830
of recovery of a department does not apply to that portion of any 20831
judgment, award, settlement, or compromise of a claim, to the 20832
extent of attorneys' fees, costs, or other expenses incurred by a 20833
recipient or participant in securing the judgment, award, 20834
settlement, or compromise, or to the extent of medical, surgical, 20835
and hospital expenses paid by such recipient or participant from 20836
the recipient's or participant's own resources. 20837

(2) Reasonable attorneys' fees, not to exceed one-third of 20838
the total judgment, award, settlement, or compromise, plus costs 20839
and other expenses incurred by the recipient or participant in 20840
securing the judgment, award, settlement, or compromise, shall 20841
first be deducted from the total judgment, award, settlement, or 20842
compromise. After fees, costs, and other expenses are deducted 20843
from the total judgment, award, settlement, or compromise, the 20844
department of job and family services or appropriate county 20845
department of job and family services shall receive no less than 20846
one-half of the remaining amount, or the actual amount of medical 20847
assistance paid, whichever is less. 20848

(H) A right of recovery created by this section may be 20849

enforced separately or jointly by the department of job and family 20850
services or the appropriate county department of job and family 20851
services. To enforce their recovery rights, the departments may do 20852
any of the following: 20853

(1) Intervene or join in any action or proceeding brought by 20854
the recipient or participant or on the recipient's or 20855
participant's behalf against any third party who may be liable for 20856
the cost of medical assistance paid; 20857

(2) Institute and pursue legal proceedings against any third 20858
party who may be liable for the cost of medical assistance paid; 20859

(3) Initiate legal proceedings in conjunction with any 20860
injured, diseased, or disabled recipient or participant or the 20861
recipient's or participant's attorney or representative. 20862

(I) A recipient or participant shall not assess attorney 20863
fees, costs, or other expenses against the department of job and 20864
family services or a county department of job and family services 20865
when the department or county department enforces its right of 20866
recovery created by this section. 20867

(J) The right of recovery given to the department under this 20868
section does not include rights to support from any other person 20869
assigned to the state under sections 5107.20 and 5115.07 of the 20870
Revised Code, but includes payments made by a third party under 20871
contract with a person having a duty to support. 20872

Sec. 5101.80. (A) As used in this section and in section 20873
5101.801 of the Revised Code: 20874

(1) "County family services agency" has the same meaning as 20875
in section 307.981 of the Revised Code. 20876

(2) "State agency" has the same meaning as in section 9.82 of 20877
the Revised Code. 20878

(3) "Title IV-A administrative agency" means both of the 20879

following:	20880
(a) A county family services agency or state agency administering a Title IV-A program under the supervision of the department of job and family services;	20881 20882 20883
(b) A government agency or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program created under section 5101.803 of the Revised Code.	20884 20885 20886 20887
(4) "Title IV-A program" means all of the following that are funded in part with funds provided under the temporary assistance for needy families block grant established by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended:	20888 20889 20890 20891 20892
(a) The Ohio works first program established under Chapter 5107. of the Revised Code;	20893 20894
(b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;	20895 20896
(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;	20897 20898 20899 20900
(d) The kinship permanency incentive program created under section 5101.802 of the Revised Code;	20901 20902
(e) The Title IV-A demonstration program created under section 5101.803 of the Revised Code;	20903 20904
(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.	20905 20906 20907 20908
(B) The department of job and family services shall act as	20909

the single state agency to administer and supervise the 20910
administration of Title IV-A programs. The Title IV-A state plan 20911
and amendments to the plan prepared under division (C) of this 20912
section are binding on Title IV-A administrative agencies. No 20913
Title IV-A administrative agency may establish, by rule or 20914
otherwise, a policy governing a Title IV-A program that is 20915
inconsistent with a Title IV-A program policy established, in rule 20916
or otherwise, by the director of job and family services. 20917

(C) The department of job and family services shall do all of 20918
the following: 20919

(1) Prepare and submit to the United States secretary of 20920
health and human services a Title IV-A state plan for Title IV-A 20921
programs; 20922

(2) Prepare and submit to the United States secretary of 20923
health and human services amendments to the Title IV-A state plan 20924
that the department determines necessary, including amendments 20925
necessary to implement Title IV-A programs identified in divisions 20926
(A)(4)(c) to (f) of this section; 20927

(3) Prescribe forms for applications, certificates, reports, 20928
records, and accounts of Title IV-A administrative agencies, and 20929
other matters related to Title IV-A programs; 20930

(4) Make such reports, in such form and containing such 20931
information as the department may find necessary to assure the 20932
correctness and verification of such reports, regarding Title IV-A 20933
programs; 20934

(5) Require reports and information from each Title IV-A 20935
administrative agency as may be necessary or advisable regarding a 20936
Title IV-A program; 20937

(6) Afford a fair hearing in accordance with section 5101.35 20938
of the Revised Code to any applicant for, or participant or former 20939
participant of, a Title IV-A program aggrieved by a decision 20940

regarding the program; 20941

(7) Administer and expend, pursuant to Chapters 5104., 5107., 20942
and 5108. of the Revised Code and sections 5101.801, 5101.802, and 20943
5101.803 of the Revised Code, any sums appropriated by the general 20944
assembly for the purpose of those chapters and sections and all 20945
sums paid to the state by the secretary of the treasury of the 20946
United States as authorized by Title IV-A of the "Social Security 20947
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended; 20948

(8) Conduct investigations and audits as are necessary 20949
regarding Title IV-A programs; 20950

(9) Enter into reciprocal agreements with other states 20951
relative to the provision of Ohio works first and prevention, 20952
retention, and contingency to residents and nonresidents; 20953

(10) Contract with a private entity to conduct an independent 20954
on-going evaluation of the Ohio works first program and the 20955
prevention, retention, and contingency program. The contract must 20956
require the private entity to do all of the following: 20957

(a) Examine issues of process, practice, impact, and 20958
outcomes; 20959

(b) Study former participants of Ohio works first who have 20960
not participated in Ohio works first for at least one year to 20961
determine whether they are employed, the type of employment in 20962
which they are engaged, the amount of compensation they are 20963
receiving, whether their employer provides health insurance, 20964
whether and how often they have received benefits or services 20965
under the prevention, retention, and contingency program, and 20966
whether they are successfully self sufficient; 20967

(c) Provide the department with reports at times the 20968
department specifies. 20969

(11) Not later than ~~January 1, 2001~~, and the ~~first~~ last day 20970

of each January and July ~~thereafter~~, prepare a report containing 20971
information on the following: 20972

(a) Individuals exhausting the time limits for participation 20973
in Ohio works first set forth in section 5107.18 of the Revised 20974
Code. 20975

(b) Individuals who have been exempted from the time limits 20976
set forth in section 5107.18 of the Revised Code and the reasons 20977
for the exemption. 20978

(D) The department shall provide copies of the reports it 20979
receives under division (C)(10) of this section and prepares under 20980
division (C)(11) of this section to the governor, the president 20981
and minority leader of the senate, and the speaker and minority 20982
leader of the house of representatives. The department shall 20983
provide copies of the reports to any private or government entity 20984
on request. 20985

(E) An authorized representative of the department or a 20986
county family services agency or state agency administering a 20987
Title IV-A program shall have access to all records and 20988
information bearing thereon for the purposes of investigations 20989
conducted pursuant to this section. An authorized representative 20990
of a government entity or private, not-for-profit entity 20991
administering a project funded in whole or in part with funds 20992
provided under the Title IV-A demonstration program shall have 20993
access to all records and information bearing on the project for 20994
the purpose of investigations conducted pursuant to this section. 20995

Sec. 5104.041. (A) All type A and type B family day-care 20996
homes shall procure and maintain one of the following: 20997

(1) Liability insurance issued by an insurer authorized to do 20998
business in this state under Chapter 3905. of the Revised Code 20999
insuring the type A or type B family day-care home against 21000

liability arising out of, or in connection with, the operation of 21001
the family day-care home. Liability insurance procured under this 21002
division shall cover any cause for which the type A or type B 21003
family day-care home would be liable, in the amount of at least 21004
one hundred thousand dollars per occurrence and three hundred 21005
thousand dollars in the aggregate. 21006

(2) An affidavit signed by the parent, guardian, or custodian 21007
of each child receiving child care from the type A or type B 21008
family day-care home that states all of the following: 21009

(a) The family day-care home does not carry liability 21010
insurance described in division (A)(1) of this section; 21011

(b) If the licensee of a type A family day-care home or the 21012
provider of a type B family day-care home is not the owner of the 21013
real property where the family day-care home is located, the 21014
liability insurance, if any, of the owner of the real property may 21015
not provide for coverage of any liability arising out of, or in 21016
connection with, the operation of the family day-care home. 21017

(B) If the licensee of a type A family day-care home or the 21018
provider of a type B family day-care home is not the owner of the 21019
real property where the family day-care home is located and the 21020
family day-care home procures liability insurance described in 21021
division (A)(1) of this section, that licensee or provider shall 21022
name the owner of the real property as an additional insured party 21023
on the liability insurance policy if all of the following apply: 21024

(1) The owner of the real property requests the licensee or 21026
provider, in writing, to add the owner of the real property to the 21027
liability insurance policy as an additional insured party. 21028

(2) The addition of the owner of the real property does not 21029
result in cancellation or nonrenewal of the insurance policy 21030
procured by the type A or type B family day-care home. 21031

<u>(3) The owner of the real property pays any additional</u>	21032
<u>premium assessed for coverage of the owner of the real property.</u>	21033
<u>(C) Proof of insurance or affidavit required under division</u>	21034
<u>(A) of this section shall be maintained at the type A or type B</u>	21035
<u>family day-care home and made available for review during</u>	21036
<u>inspection or investigation as required under this chapter.</u>	21037
<u>(D) The director of job and family services shall adopt rules</u>	21038
<u>for the enforcement of this section.</u>	21039
<u>Sec. 5111.0210.</u> <u>Until July 1, 2009, the director of job and</u>	21040
<u>family services shall not change the medicaid reimbursement rates</u>	21041
<u>that apply to providers of durable medical equipment from the</u>	21042
<u>rates that are in effect on the effective date of this section.</u>	21043
<u>On and after July 1, 2009, the director shall establish</u>	21044
<u>medicaid reimbursement rates that apply to providers of durable</u>	21045
<u>medical equipment by using a cost analysis methodology. The</u>	21046
<u>methodology shall include a statistically valid sample of all</u>	21047
<u>types of durable medical equipment providers in this state,</u>	21048
<u>including providers that have a large volume of sales, providers</u>	21049
<u>that have a small volume of sales, and providers that operate</u>	21050
<u>predominantly in rural, suburban, or metropolitan areas. The</u>	21051
<u>statistical mean that is derived by using the cost analysis</u>	21052
<u>methodology shall be used by the director to establish the</u>	21053
<u>medicaid rates that apply to providers of durable medical</u>	21054
<u>equipment.</u>	21055
<u>Sec. 5111.032.</u> (A) As used in this section:	21056
(1) "Criminal records check" has the same meaning as in	21057
section 109.572 of the Revised Code.	21058
(2) "Department" includes a designee of the department of job	21059
and family services.	21060

(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.

(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.

(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.

(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.

(C)(1) The department shall inform each provider or applicant to be a provider whether the provider or applicant is subject to a criminal records check requirement under division (B) of this section. For providers, the information shall be given at times designated in rules adopted under this section. For applicants to be providers, the information shall be given at the time of initial application. When the information is given, the department shall specify which of the provider's or applicant's employees or

prospective employees, owners or prospective owners, officers or 21093
prospective officers, or board members or prospective board 21094
members are subject to the criminal records check requirement. 21095

(2) At times designated in rules adopted under this section, 21096
a provider that is subject to the criminal records check 21097
requirement shall inform each person specified by the department 21098
under division (C)(1) of this section that the person is required, 21099
as applicable, to submit to a criminal records check for final 21100
consideration for employment in a full-time, part-time, or 21101
temporary position; as a condition of continued employment; or as 21102
a condition of becoming or continuing to be an officer, board 21103
member or owner of a provider. 21104

(D)(1) If a provider or applicant to be a provider is subject 21105
to a criminal records check under this section, the department 21106
shall require the conduct of a criminal records check by the 21107
superintendent of the bureau of criminal identification and 21108
investigation. If a provider or applicant to be a provider for 21109
whom a criminal records check is required does not present proof 21110
of having been a resident of this state for the five-year period 21111
immediately prior to the date the criminal records check is 21112
requested or provide evidence that within that five-year period 21113
the superintendent has requested information about the individual 21114
from the federal bureau of investigation in a criminal records 21115
check, the department shall require the provider or applicant to 21116
request that the superintendent obtain information from the 21117
federal bureau of investigation as part of the criminal records 21118
check of the provider or applicant. Even if a provider or 21119
applicant for whom a criminal records check request is required 21120
presents proof of having been a resident of this state for the 21121
five-year period, the department may require that the provider or 21122
applicant request that the superintendent obtain information from 21123
the federal bureau of investigation and include it in the criminal 21124

records check of the provider or applicant. 21125

(2) A provider shall require the conduct of a criminal 21126
records check by the superintendent with respect to each of the 21127
persons specified by the department under division (C)(1) of this 21128
section. If the person for whom a criminal records check is 21129
required does not present proof of having been a resident of this 21130
state for the five-year period immediately prior to the date the 21131
criminal records check is requested or provide evidence that 21132
within that five-year period the superintendent of the bureau of 21133
criminal identification and investigation has requested 21134
information about the individual from the federal bureau of 21135
investigation in a criminal records check, the individual shall 21136
request that the superintendent obtain information from the 21137
federal bureau of investigation as part of the criminal records 21138
check of the individual. Even if an individual for whom a criminal 21139
records check request is required presents proof of having been a 21140
resident of this state for the five-year period, the department 21141
may require the provider to request that the superintendent obtain 21142
information from the federal bureau of investigation and include 21143
it in the criminal records check of the person. 21144

(E)(1) Criminal records checks required under this section 21145
for providers or applicants to be providers shall be obtained as 21146
follows: 21147

(a) The department shall provide each provider or applicant 21148
information about accessing and completing the form prescribed 21149
pursuant to division (C)(1) of section 109.572 of the Revised Code 21150
and the standard fingerprint impression sheet prescribed pursuant 21151
to division (C)(2) of that section. 21152

(b) The provider or applicant shall submit the required form 21153
and one complete set of fingerprint impressions directly to the 21154
superintendent for purposes of conducting the criminal records 21155
check using the applicable methods prescribed by division (C) of 21156

section 109.572 of the Revised Code. The applicant or provider 21157
shall pay all fees associated with obtaining the criminal records 21158
check. 21159

(c) The superintendent shall conduct the criminal records 21160
check in accordance with section 109.572 of the Revised Code. The 21161
provider or applicant shall instruct the superintendent to submit 21162
the report of the criminal records check directly to the director 21163
of job and family services. 21164

(2) Criminal records checks required under this section for 21165
persons specified by the department under division (C)(1) of this 21166
section shall be obtained as follows: 21167

(a) The provider shall give to each person subject to 21168
criminal records check requirement information about accessing and 21169
completing the form prescribed pursuant to division (C)(1) of 21170
section 109.572 of the Revised Code and the standard fingerprint 21171
impression sheet prescribed pursuant to division (C)(2) of that 21172
section. 21173

(b) The person shall submit the required form and one 21174
complete set of fingerprint impressions directly to the 21175
superintendent for purposes of conducting the criminal records 21176
check using the applicable methods prescribed by division (C) of 21177
section 109.572 of the Revised Code. The person shall pay all fees 21178
associated with obtaining the criminal records check. 21179

(c) The superintendent shall conduct the criminal records 21180
check in accordance with section 109.572 of the Revised Code. The 21181
person subject to the criminal records check shall instruct the 21182
superintendent to submit the report of the criminal records check 21183
directly to the provider. The department may require the provider 21184
to submit the report to the department. 21185

(F) If a provider or applicant to be a provider is given the 21186
information specified in division (E)(1)(a) of this section but 21187

fails to obtain a criminal records check, the department shall, as 21188
applicable, terminate the provider agreement or deny the 21189
application to be a provider. 21190

If a person is given the information specified in division 21191
(E)(2)(a) of this section but fails to obtain a criminal records 21192
check, the provider shall not, as applicable, permit the person to 21193
be an employee, owner, officer, or board member of the provider. 21194

(G) Except as provided in rules adopted under division (J) of 21195
this section, the department shall terminate the provider 21196
agreement of a provider or the department shall not issue a 21197
provider agreement to an applicant if the provider or applicant is 21198
subject to a criminal records check under this section and the 21199
provider or applicant has been convicted of, has pleaded guilty 21200
to, or has been found eligible for intervention in lieu of 21201
conviction for any of the following: 21202

(1) A violation of section 2903.01, 2903.02, 2903.03, 21203
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 21204
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 21205
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 21206
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 21207
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 21208
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 21209
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 21210
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 21211
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 21212
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 21213
3716.11 of the Revised Code, felonious sexual penetration in 21214
violation of former section 2907.12 of the Revised Code, a 21215
violation of section 2905.04 of the Revised Code as it existed 21216
prior to July 1, 1996, a violation of section 2919.23 of the 21217
Revised Code that would have been a violation of section 2905.04 21218
of the Revised Code as it existed prior to July 1, 1996, had the 21219

violation been committed prior to that date; 21220

(2) An existing or former law of this state, any other state, 21221
or the United States that is substantially equivalent to any of 21222
the offenses listed in division ~~(D)~~(G)(1) of this section. 21223

(H)(1)(a) Except as provided in rules adopted under division 21224
(J) of this section and subject to division (H)(2) of this 21225
section, no provider shall permit a person to be an employee, 21226
owner, officer, or board member of the provider if the person is 21227
subject to a criminal records check under this section and the 21228
person has been convicted of, has pleaded guilty to, or has been 21229
found eligible for intervention in lieu of conviction for any of 21230
the offenses specified in division (G)(1) or (2) of this section. 21231

(b) No provider shall employ a person who has been excluded 21232
from participating in the medicaid program, the medicare program 21233
operated pursuant to Title XVIII of the "Social Security Act," or 21234
any other federal health care program. 21235

(2)(a) A provider may employ conditionally a person for whom 21236
a criminal records check is required under this section prior to 21237
obtaining the results of a criminal records check regarding the 21238
person, but only if the person submits a request for a criminal 21239
records check not later than five business days after the 21240
individual begins conditional employment. 21241

(b) A provider that employs a person conditionally under 21242
authority of division (H)(2)(a) of this section shall terminate 21243
the person's employment if the results of the criminal records 21244
check request are not obtained within the period ending sixty days 21245
after the date the request is made. Regardless of when the results 21246
of the criminal records check are obtained, if the results 21247
indicate that the individual has been convicted of, has pleaded 21248
guilty to, or has been found eligible for intervention in lieu of 21249
conviction for any of the offenses specified in division (G)(1) or 21250

(2) of this section, the provider shall terminate the person's 21251
employment unless the provider chooses to employ the individual 21252
pursuant to division (J) of this section. 21253

(I) The report of a criminal records check conducted pursuant 21254
to this section is not a public record for the purposes of section 21255
149.43 of the Revised Code and shall not be made available to any 21256
person other than the following: 21257

(1) The person who is the subject of the criminal records 21258
check or the person's representative; 21259

(2) The director of job and family services and the staff of 21260
the department in the administration of the medicaid program; 21261

(3) A court, hearing officer, or other necessary individual 21262
involved in a case dealing with the denial or termination of a 21263
provider agreement; 21264

(4) A court, hearing officer, or other necessary individual 21265
involved in a case dealing with a person's denial of employment, 21266
termination of employment, or employment or unemployment benefits. 21267

(J) The department may adopt rules in accordance with Chapter 21268
119. of the Revised Code to implement this section. The rules may 21269
specify circumstances under which the department may continue a 21270
provider agreement or issue a provider agreement to an applicant 21271
when the provider or applicant has been convicted of, has pleaded 21272
guilty to, or has been found eligible for intervention in lieu of 21273
conviction for any of the offenses specified in division (G)(1) or 21274
(2) of this section. The rules may also specify circumstances 21275
under which a provider may permit a person to be an employee, 21276
owner, officer, or board member of the provider, when the person 21277
has been convicted of, has pleaded guilty to, or has been found 21278
eligible for intervention in lieu of conviction for any of the 21279
offenses specified in division (G)(1) or (2) of this section. 21280

Sec. 5111.084. There is hereby established the pharmacy and 21281
therapeutics committee of the department of job and family 21282
services. The committee shall consist of ~~nine~~ ten members and 21283
shall be appointed by the director of job and family services. The 21284
membership of the committee shall include: ~~three~~ 21285

(A) Three pharmacists licensed under Chapter 4729. of the 21286
Revised Code; ~~two~~ 21287

(B) Two doctors of medicine and two doctors of osteopathy 21288
licensed who hold certificates issued under Chapter 4731. of the 21289
Revised Code; ~~a~~ 21290

(C) A registered nurse licensed under Chapter 4723. of the 21291
Revised Code; ~~and a~~ 21292

(D) A pharmacologist who has a doctoral degree; 21293

(E) A psychiatrist who holds a certificate issued under 21294
Chapter 4731. of the Revised Code and specializes in psychiatry. 21295
~~At least one of the members who is a doctor of medicine or doctor~~ 21296
~~of osteopathy shall be a psychiatrist. The~~ 21297

The committee shall elect one of its members as chairperson. 21298

Sec. 5111.091. ~~Every three months~~ Not later than the first 21299
day of each calendar quarter, the director of job and family 21300
services shall submit a report to the president and minority 21301
leader of the senate ~~and,~~ speaker and minority leader of the house 21302
of representatives, and the chairpersons of the committees of the 21303
senate and house of representatives that hear bills making 21304
biennial appropriations on the establishment and implementation of 21305
programs designed to control the increase of the cost of the 21306
medicaid program, increase the efficiency of the medicaid program, 21307
and promote better health outcomes. 21308

The report shall include information regarding all of the 21309

<u>following:</u>	21310
<u>(A) Provider network management;</u>	21311
<u>(B) Electronic claims submission and payment systems;</u>	21312
<u>(C) Limited provider contracts and payments based on performance;</u>	21313
<u>(D) Efforts to enforce third party liability;</u>	21314
<u>(E) Implementation of the medicaid information technology system;</u>	21315
<u>(F) Expansion of the medicaid data warehouse and decision support system;</u>	21316
<u>(G) Development of infrastructure policies for electronic health records and e-prescribing.</u>	21317
Sec. 5111.31. (A) Every provider agreement with the provider of a nursing facility or intermediate care facility for the mentally retarded shall:	21322
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(1) Prohibit the provider from failing or refusing to retain as a patient any person because the person is, becomes, or may, as a patient in the facility, become a medicaid recipient. For the purposes of this division, a medicaid recipient who is a patient in a facility shall be considered a patient in the facility during any hospital stays totaling less than twenty-five days during any twelve-month period. Recipients who have been identified by the department of job and family services or its designee as requiring the level of care of an intermediate care facility for the mentally retarded shall not be subject to a maximum period of absences during which they are considered patients if prior authorization of the department for visits with relatives and friends and participation in therapeutic programs is obtained under rules adopted under section 5111.02 of the Revised Code.	21325
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(2) Except as provided by division (B)(1) of this section, 21339
include any part of the facility that meets standards for 21340
certification of compliance with federal and state laws and rules 21341
for participation in the medicaid program. 21342

(3) Prohibit the provider from discriminating against any 21343
patient on the basis of race, color, sex, creed, or national 21344
origin. 21345

(4) Except as otherwise prohibited under section 5111.55 of 21346
the Revised Code, prohibit the provider from failing or refusing 21347
to accept a patient because the patient is, becomes, or may, as a 21348
patient in the facility, become a medicaid recipient if less than 21349
eighty per cent of the patients in the facility are medicaid 21350
recipients. 21351

(B)(1) Except as provided by division (B)(2) of this section, 21352
the following are not required to be included in a provider 21353
agreement unless otherwise required by federal law: 21354

(a) Beds added during the period beginning July 1, 1987, and 21355
ending July 1, 1993, to a nursing home licensed under Chapter 21356
3721. of the Revised Code; 21357

(b) Beds in an intermediate care facility for the mentally 21358
retarded that are designated for respite care under a medicaid 21359
waiver component operated pursuant to a waiver sought under 21360
section 5111.87 of the Revised Code; 21361

~~(c) Beds that are converted to providing home and 21362
community-based services under the ICF/MR conversion pilot program 21363
authorized by a waiver sought under division (B)(1) of section 21364
5111.88 of the Revised Code. 21365~~

(2) If a provider chooses to include a bed specified in 21366
division (B)(1)(a) of this section in a provider agreement, the 21367
bed may not be removed from the provider agreement unless the 21368
provider withdraws the facility in which the bed is located from 21369

the medicaid program. 21370

(C) Nothing in this section shall bar a provider that is a 21371
religious organization operating a religious or denominational 21372
nursing facility or intermediate care facility for the mentally 21373
retarded from giving preference to persons of the same religion or 21374
denomination. Nothing in this section shall bar any provider from 21375
giving preference to persons with whom the provider has contracted 21376
to provide continuing care. 21377

(D) Nothing in this section shall bar the provider of a 21378
county home organized under Chapter 5155. of the Revised Code from 21379
admitting residents exclusively from the county in which the 21380
county home is located. 21381

(E) No provider of a nursing facility or intermediate care 21382
facility for the mentally retarded for which a provider agreement 21383
is in effect shall violate the provider contract obligations 21384
imposed under this section. 21385

(F) Nothing in divisions (A) and (C) of this section shall 21386
bar a provider from retaining patients who have resided in the 21387
provider's facility for not less than one year as private pay 21388
patients and who subsequently become medicaid recipients, but 21389
refusing to accept as a patient any person who is or may, as a 21390
patient in the facility, become a medicaid recipient, if all of 21391
the following apply: 21392

(1) The provider does not refuse to retain any patient who 21393
has resided in the provider's facility for not less than one year 21394
as a private pay patient because the patient becomes a medicaid 21395
recipient, except as necessary to comply with division (F)(2) of 21396
this section; 21397

(2) The number of medicaid recipients retained under this 21398
division does not at any time exceed ten per cent of all the 21399
patients in the facility; 21400

(3) On July 1, 1980, all the patients in the facility were private pay patients.

Sec. 5111.71. (A) As used in sections 5111.71 to 5111.715 of the Revised Code, "qualified medicaid school provider" means the board of education of a city, local, or exempted village school district, the governing authority of a community school established under Chapter 3314. of the Revised Code, the state school for the deaf, and the state school for the blind to which both of the following apply:

(1) It holds a valid medicaid provider agreement.

(2) It meets all other conditions for participation in the medicaid school component of the medicaid program established in rules adopted under section 5111.715 of the Revised Code.

(B) The director of job and family services shall submit a state medicaid plan amendment to the United States secretary of health and human services for the purpose of creating, in accordance with sections 5111.71 to 5111.715 of the Revised Code, the medicaid school component of the medicaid program. The director shall create the medicaid school component on receipt of the United States secretary's approval of the amendment.

Sec. 5111.711. A qualified medicaid school provider participating in the medicaid school component of the medicaid program may submit a claim to the department of job and family services for federal financial participation for providing, in schools, services covered by the medicaid school component to medicaid recipients who are eligible for the services. No qualified medicaid school provider may submit such a claim before the provider incurs the cost of providing the service.

The claim shall include certification of the qualified medicaid school provider's expenditures for the service. The

certification shall show that the money the qualified medicaid
school provider used for the expenditures was nonfederal money the
provider may legally use for providing the service and that the
amount of the expenditures was sufficient to pay the full cost of
the service.

Except as otherwise provided in sections 5111.71 to 5111.715
of the Revised Code and rules adopted under sections 5111.713 and
5111.715 of the Revised Code, a qualified medicaid school provider
is subject to all conditions of participation in the medicaid
program that generally apply to providers of goods and services
under the medicaid program, including conditions regarding audits
and recovery of overpayments.

Sec. 5111.712. The department of job and family services
shall seek federal financial participation for each claim a
qualified medicaid school provider properly submits to the
department under section 5111.711 of the Revised Code. The
department shall disburse the federal financial participation the
department receives from the federal government for such a claim
to the qualified medicaid school provider that submitted the
claim. The department may not pay the qualified medicaid school
provider the nonfederal share of the cost of the services for
which the claim was submitted.

Sec. 5111.713. The department of job and family services
shall enter into an interagency agreement with the department of
education under section 5111.91 of the Revised Code that provides
for the department of education to administer the medicaid school
component of the medicaid program other than the aspects of the
component that sections 5111.71 to 5111.715 of the Revised Code
require the department of job and family services to administer.
The interagency agreement may include a provision that provides
for the department of education to pay to the department of job

and family services the nonfederal share of a portion of the 21462
administrative expenses the department of job and family services 21463
incurs in administering the aspects of the component that the 21464
department of job and family services administers. 21465

The department of education shall establish, in rules adopted 21466
under Chapter 119. of the Revised Code, a process by which 21467
qualified medicaid school providers participating in the medicaid 21468
school component pay to the department of education the nonfederal 21469
share of the department's expenses incurred in administering the 21470
component. 21471

Sec. 5111.714. (A) There is hereby created in the state 21472
treasury the medicaid school program administrative fund. 21473

(B) Both of the following shall be deposited into the 21474
medicaid school program administrative fund: 21475

(1) The federal funds the department of education receives 21476
for the expenses the department incurs in administering the 21477
medicaid school component of the medicaid program; 21478

(2) The money the department collects from qualified medicaid 21479
school providers in the process established in rules adopted under 21480
section 5111.713 of the Revised Code. 21481

(C) No funds shall be deposited into the medicaid school 21482
program administrative fund in violation of federal statutes or 21483
regulations. 21484

(D) The department of education shall use money in the 21485
medicaid school program administrative fund for both of the 21486
following purposes: 21487

(1) Paying for the expenses the department incurs in 21488
administering the medicaid school component of the medicaid 21489
program; 21490

(2) Paying a qualified medicaid school provider a refund for any overpayment the provider makes to the department under the process established in rules adopted under section 5111.713 of the Revised Code if the process results in an overpayment. 21491
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Sec. 5111.715. The director of job and family services shall adopt rules under Chapter 119. of the Revised Code as necessary to implement the medicaid school component of the medicaid program, including rules that establish or specify all of the following: 21495
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(A) Conditions a board of education of a city, local, or exempted school district, governing authority of a community school established under Chapter 3314. of the Revised Code, the state school for the deaf, and the state school for the blind must meet to participate in the component; 21499
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(B) Services the component covers; 21504

(C) Reimbursement rates for the services the component covers. 21505
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Sec. 5111.874. (A) As used in sections 5111.874 to 5111.8710 of the Revised Code: 21507
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"Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code. 21509
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"ICF/MR services" means intermediate care facility for the mentally retarded services covered by the medicaid program that an intermediate care facility for the mentally retarded provides to a resident of the facility who is a medicaid recipient eligible for medicaid-covered intermediate care facility for the mentally retarded services. 21511
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"Intermediate care facility for the mentally retarded" means an intermediate care facility for the mentally retarded that is certified as in compliance with applicable standards for the 21517
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medicaid program by the director of health in accordance with 21520
Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 21521
U.S.C. 1396, as amended, and licensed as a residential facility 21522
under section 5123.19 of the Revised Code. 21523

"Residential facility" has the same meaning as in section 21524
5123.19 of the Revised Code. 21525

(B) For the purpose of increasing the number of slots 21526
available for home and community-based services and subject to 21527
sections 5111.877 and 5111.878 of the Revised Code, the operator 21528
of an intermediate care facility for the mentally retarded may 21529
convert all of the beds in the facility from providing ICF/MR 21530
services to providing home and community-based services if all of 21531
the following requirements are met: 21532

(1) The operator provides the directors of health, job and 21533
family services, and mental retardation and developmental 21534
disabilities at least ninety days' notice of the operator's intent 21535
to relinquish the facility's certification as an intermediate care 21536
facility for the mentally retarded and to begin providing home and 21537
community-based services. 21538

(2) The operator complies with the requirements of sections 21539
5111.65 to 5111.688 of the Revised Code regarding a voluntary 21540
termination as defined in section 5111.65 of the Revised Code if 21541
those requirements are applicable. 21542

(3) The operator notifies each of the facility's residents 21543
that the facility is to cease providing ICF/MR services and inform 21544
each resident that the resident may do either of the following: 21545

(a) Continue to receive ICF/MR services by transferring to 21546
another facility that is an intermediate care facility for the 21547
mentally retarded willing and able to accept the resident if the 21548
resident continues to qualify for ICF/MR services; 21549

(b) Begin to receive home and community-based services 21550

instead of ICF/MR services from any provider of home and 21551
community-based services that is willing and able to provide the 21552
services to the resident if the resident is eligible for the 21553
services and a slot for the services is available to the resident. 21554

(4) The operator meets the requirements for providing home 21555
and community-based services, including the following: 21556

(a) Such requirements applicable to a residential facility if 21557
the operator maintains the facility's license as a residential 21558
facility; 21559

(b) Such requirements applicable to a facility that is not 21560
licensed as a residential facility if the operator surrenders the 21561
facility's residential facility license under section 5123.19 of 21562
the Revised Code. 21563

(5) The director of mental retardation and developmental 21564
disabilities approves the conversion. 21565

(C) The notice to the director of mental retardation and 21566
developmental disabilities under division (B)(1) of this section 21567
shall specify whether the operator wishes to surrender the 21568
facility's license as a residential facility under section 5123.19 21569
of the Revised Code. 21570

(D) If the director of mental retardation and developmental 21571
disabilities approves a conversion under division (B) of this 21572
section, the director of health shall terminate the certification 21573
of the intermediate care facility for the mentally retarded to be 21574
converted. The director of health shall notify the director of job 21575
and family services of the termination. On receipt of the director 21576
of health's notice, the director of job and family services shall 21577
terminate the operator's medicaid provider agreement that 21578
authorizes the operator to provide ICF/MR services at the 21579
facility. The operator is not entitled to notice or a hearing 21580
under Chapter 119. of the Revised Code before the director of job 21581

and family services terminates the medicaid provider agreement. 21582
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Sec. 5111.875. (A) For the purpose of increasing the number 21584
of slots available for home and community-based services and 21585
subject to sections 5111.877 and 5111.878 of the Revised Code, a 21586
person who acquires, through a request for proposals issued by the 21587
director of mental retardation and developmental disabilities, a 21588
residential facility that is an intermediate care facility for the 21589
mentally retarded and for which the license as a residential 21590
facility was previously surrendered or revoked may convert some or 21591
all of the facility's beds from providing ICF/MR services to 21592
providing home and community-based services if all of the 21593
following requirements are met: 21594

(1) The person provides the directors of health, job and 21595
family services, and mental retardation and developmental 21596
disabilities at least ninety days' notice of the person's intent 21597
to make the conversion. 21598

(2) The person complies with the requirements of sections 21599
5111.65 to 5111.688 of the Revised Code regarding a voluntary 21600
termination as defined in section 5111.65 of the Revised Code if 21601
those requirements are applicable. 21602

(3) If the person intends to convert all of the facility's 21603
beds, the person notifies each of the facility's residents that 21604
the facility is to cease providing ICF/MR services and informs 21605
each resident that the resident may do either of the following: 21606

(a) Continue to receive ICF/MR services by transferring to 21607
another facility that is an intermediate care facility for the 21608
mentally retarded willing and able to accept the resident if the 21609
resident continues to qualify for ICF/MR services; 21610

(b) Begin to receive home and community-based services 21611

instead of ICF/MR services from any provider of home and 21612
community-based services that is willing and able to provide the 21613
services to the resident if the resident is eligible for the 21614
services and a slot for the services is available to the resident. 21615

(4) If the person intends to convert some but not all of the 21616
facility's beds, the person notifies each of the facility's 21617
residents that the facility is to convert some of its beds from 21618
providing ICF/MR services to providing home and community-based 21619
services and inform each resident that the resident may do either 21620
of the following: 21621

(a) Continue to receive ICF/MR services from any provider of 21622
ICF/MR services that is willing and able to provide the services 21623
to the resident if the resident continues to qualify for ICF/MR 21624
services; 21625

(b) Begin to receive home and community-based services 21626
instead of ICF/MR services from any provider of home and 21627
community-based services that is willing and able to provide the 21628
services to the resident if the resident is eligible for the 21629
services and a slot for the services is available to the resident. 21630

(5) The person meets the requirements for providing home and 21631
community-based services at a residential facility. 21632

(B) The notice provided to the directors under division 21633
(A)(1) of this section shall specify whether some or all of the 21634
facility's beds are to be converted. If some but not all of the 21635
beds are to be converted, the notice shall specify how many of the 21636
facility's beds are to be converted and how many of the beds are 21637
to continue to provide ICF/MR services. 21638

(C) On receipt of a notice under division (A)(1) of this 21639
section, the director of health shall do the following: 21640

(1) Terminate the certification of the intermediate care 21641
facility for the mentally retarded if the notice specifies that 21642

all of the facility's beds are to be converted; 21643

(2) Reduce the facility's certified capacity by the number of 21644
beds being converted if the notice specifies that some but not all 21645
of the beds are to be converted. 21646

(D) The director of health shall notify the director of job 21647
and family services of the termination or reduction under division 21648
(C) of this section. On receipt of the director of health's 21649
notice, the director of job and family services shall do the 21650
following: 21651

(1) Terminate the person's medicaid provider agreement that 21652
authorizes the person to provide ICF/MR services at the facility 21653
if the facility's certification was terminated; 21654

(2) Amend the person's medicaid provider agreement to reflect 21655
the facility's reduced certified capacity if the facility's 21656
certified capacity is reduced. 21657

The person is not entitled to notice or a hearing under 21658
Chapter 119. of the Revised Code before the director of job and 21659
family services terminates or amends the medicaid provider 21660
agreement. 21661

Sec. 5111.876. Subject to section 5111.877 of the Revised 21662
Code, the director of mental retardation and developmental 21663
disabilities may request that the director of job and family 21664
services seek the approval of the United States secretary of 21665
health and human services to increase the number of slots 21666
available for home and community-based services by a number not 21667
exceeding the number of beds that were part of the licensed 21668
capacity of a residential facility that had its license revoked or 21669
surrendered under section 5123.19 of the Revised Code if the 21670
residential facility was an intermediate care facility for the 21671
mentally retarded at the time of the license revocation or 21672

surrender. The revocation or surrender may have occurred before, 21673
or may occur on or after, the effective date of this section. The 21674
request may include beds the director removed from such a 21675
residential facility's licensed capacity before transferring 21676
ownership or operation of the residential facility pursuant to a 21677
request for proposals. 21678

Sec. 5111.877. The director of job and family services may 21679
seek approval from the United States secretary of health and human 21680
services for not more than a total of one hundred slots for home 21681
and community-based services for the purposes of sections 21682
5111.874, 5111.875, and 5111.876 of the Revised Code. 21683

Sec. 5111.878. Not more than a total of one hundred beds may 21684
be converted from providing ICF/MR services to providing home and 21685
community-based services under sections 5111.874 and 5111.875 of 21686
the Revised Code. 21687

Sec. 5111.879. No person or government entity may reconvert a 21688
bed to be used for ICF/MR services if the bed was converted to use 21689
for home and community-based services under section 5111.874 or 21690
5111.875 of the Revised Code. This prohibition applies regardless 21691
of either of the following: 21692

(A) The bed is part of the licensed capacity of a residential 21693
facility. 21694

(B) The bed has been sold, leased, or otherwise transferred 21695
to another person or government entity. 21696

Sec. 5111.8710. The directors of job and family services and 21697
mental retardation and developmental disabilities may adopt rules 21698
in accordance with Chapter 119. of the Revised Code as necessary 21699
to implement sections 5111.874 to 5111.8710 of the Revised Code. 21700

Sec. 5111.94. (A) As used in this section, "vendor offset" 21701
means a reduction of a medicaid payment to a medicaid provider to 21702
correct a previous, incorrect medicaid payment to that provider. 21703

(B) There is hereby created in the state treasury the health 21704
care services administration fund. Except as provided in division 21705
(C) of this section, all the following shall be deposited into the 21706
fund: 21707

(1) Amounts deposited into the fund pursuant to sections 21708
5111.92 and 5111.93 of the Revised Code; 21709

(2) The amount of the state share of all money the department 21710
of job and family services, in fiscal year 2003 and each fiscal 21711
year thereafter, recovers pursuant to a tort action under the 21712
department's right of recovery under section 5101.58 of the 21713
Revised Code that exceeds the state share of all money the 21714
department, in fiscal year 2002, recovers pursuant to a tort 21715
action under that right of recovery; 21716

(3) Subject to division (D) of this section, the amount of 21717
the state share of all money the department of job and family 21718
services, in fiscal year 2003 and each fiscal year thereafter, 21719
recovers through audits of medicaid providers that exceeds the 21720
state share of all money the department, in fiscal year 2002, 21721
recovers through such audits; 21722

(4) Amounts from assessments on hospitals under section 21723
5112.06 of the Revised Code and intergovernmental transfers by 21724
governmental hospitals under section 5112.07 of the Revised Code 21725
that are deposited into the fund in accordance with the law; 21726

(5) Amounts that the department of education pays to the 21727
department of job and family services, if any, pursuant to an 21728
interagency agreement entered into under section 5111.713 of the 21729
Revised Code. 21730

(C) No funds shall be deposited into the health care services administration fund in violation of federal statutes or regulations. 21731
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(D) In determining under division (B)(3) of this section the amount of money the department, in a fiscal year, recovers through audits of medicaid providers, the amount recovered in the form of vendor offset shall be excluded. 21734
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(E) The director of job and family services shall use funds available in the health care services administration fund to pay for costs associated with the administration of the medicaid program. 21738
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Sec. 5111.941. (A) The medicaid revenue and collections fund is hereby created in the state treasury. Except as otherwise provided by statute or as authorized by the controlling board, ~~the non-federal~~ both of the following shall be credited to the fund: 21742
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(1) The nonfederal share of all medicaid-related revenues, collections, and recoveries shall be credited to the fund; 21746
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(2) The monthly premiums charged under the children's buy-in program pursuant to section 5101.5213 of the Revised Code. The 21748
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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. 21750
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Sec. 5112.31. The department of job and family services shall do all of the following: 21755
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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 21757
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Revised Code, annually assess each intermediate care facility for the mentally retarded a franchise permit fee equal to ~~nine~~ eleven dollars and ~~sixty-three~~ ninety-eight cents multiplied, ~~except as adjusted under section 5112.311 of the Revised Code~~, by the product of the following:

(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;

(2) The number of days in the fiscal year beginning on the first day of July of the same calendar year.

(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.

(C) If the United States secretary of health and human services determines that the franchise permit fee established by sections 5112.30 to 5112.39 of the Revised Code would be an impermissible health care-related tax under section 1903(w) of the "Social Security Act," 42 U.S.C.A. 1396b(w), as amended, take all necessary actions to cease implementation of those sections in accordance with rules adopted under section 5112.39 of the Revised Code.

Sec. 5112.37. ~~All~~ There is hereby created in the state treasury the home and community-based services for the mentally retarded and developmentally disabled fund. Ninety and sixty-one hundredths per cent of all installment payments and penalties paid by an intermediate care facility for the mentally retarded under sections 5112.33 and 5112.34 of the Revised Code shall be deposited into the ~~"home and community based services for the~~

~~mentally retarded and developmentally disabled fund," which is~~ 21791
~~hereby created in the state treasury.~~ The department of job and 21792
family services shall distribute the money in the fund in 21793
accordance with rules adopted under section 5112.39 of the Revised 21794
Code. The departments of job and family services and mental 21795
retardation and developmental disabilities shall use the money for 21796
the ~~medical assistance~~ medicaid program established under Chapter 21797
5111. of the Revised Code and home and community-based services to 21798
mentally retarded and developmentally disabled persons. 21799

Sec. 5112.371. There is hereby created in the state treasury 21800
the children with intensive behavioral needs programs fund. Nine 21801
and thirty-nine hundredths per cent of all installment payments 21802
and penalties paid by an intermediate care facility for the 21803
mentally retarded under sections 5112.33 and 5112.34 of the 21804
Revised Code shall be deposited in the fund. The money in the fund 21805
shall be used for the programs the director of mental retardation 21806
and developmental disabilities establishes under section 5123.0417 21807
of the Revised Code. 21808

Sec. 5123.0412. (A) The department of mental retardation and 21809
developmental disabilities shall charge each county board of 21810
mental retardation and developmental disabilities an annual fee 21811
equal to one and one-half per cent of the total value of all 21812
medicaid paid claims for ~~medicaid case management services and~~ 21813
home and community-based services provided during the year to an 21814
individual eligible for services from the county board. No county 21815
board shall pass the cost of a fee charged to the county board 21816
under this section on to another provider of these services. 21817

(B) The fees collected under this section shall be deposited 21818
into the ODMR/DD administration and oversight fund and the ODJFS 21819
administration and oversight fund, both of which are hereby 21820
created in the state treasury. The portion of the fees to be 21821

deposited into the ODMR/DD administration and oversight fund and 21822
the portion of the fees to be deposited into the ODJFS 21823
administration and oversight fund shall be the portion specified 21824
in an interagency agreement entered into under division (C) of 21825
this section. The department of mental retardation and 21826
developmental disabilities shall use the money in the ODMR/DD 21827
administration and oversight fund and the department of job and 21828
family services shall use the money in the ODJFS administration 21829
and oversight fund for both of the following purposes: 21830

(1) The administrative and oversight costs of medicaid case 21831
management services and home and community-based services. The 21832
administrative and oversight costs shall include costs for staff, 21833
systems, and other resources the departments need and dedicate 21834
solely to the following duties associated with the services: 21835

(a) Eligibility determinations; 21836

(b) Training; 21837

(c) Fiscal management; 21838

(d) Claims processing; 21839

(e) Quality assurance oversight; 21840

(f) Other duties the departments identify. 21841

(2) Providing technical support to county boards' local 21842
administrative authority under section 5126.055 of the Revised 21843
Code for the services. 21844

(C) The departments of mental retardation and developmental 21845
disabilities and job and family services shall enter into an 21846
interagency agreement to do both of the following: 21847

(1) Specify which portion of the fees collected under this 21848
section is to be deposited into the ODMR/DD administration and 21849
oversight fund and which portion is to be deposited into the ODJFS 21850
administration and oversight fund; 21851

(2) Provide for the departments to coordinate the staff whose costs are paid for with money in the ODMR/DD administration and oversight fund and the ODJFS administration and oversight fund.

(D) The departments shall submit an annual report to the director of budget and management certifying how the departments spent the money in the ODMR/DD administration and oversight fund and the ODJFS administration and oversight fund for the purposes specified in division (B) of this section.

Sec. 5123.0417. (A) Using funds available under section 5112.371 of the Revised Code, the director of mental retardation and developmental disabilities shall establish one or more programs for individuals under twenty-one years of age who have intensive behavioral needs, including such individuals with a primary diagnosis of autism spectrum disorder. The programs may include one or more medicaid waiver components that the director administers pursuant to section 5111.871 of the Revised Code. The programs may do one or more of the following:

(1) Establish models that incorporate elements common to effective intervention programs and evidence-based practices in services for children with intensive behavioral needs;

(2) Design a template for individualized education plans and individual service plans that provide consistent intervention programs and evidence-based practices for the care and treatment of children with intensive behavioral needs;

(3) Disseminate best practice guidelines for use by families of children with intensive behavioral needs and professionals working with such families;

(4) Develop a transition planning model for effectively mainstreaming school-age children with intensive behavioral needs to their public school district;

(5) Contribute to the field of early and effective identification and intervention programs for children with intensive behavioral needs by providing financial support for scholarly research and publication of clinical findings. 21882
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(B) The director of mental retardation and developmental disabilities shall collaborate with the director of job and family services and consult with the executive director of the Ohio center for autism and low incidence and university-based programs that specialize in services for individuals with developmental disabilities when establishing programs under this section. 21886
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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. 21892
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(B) ~~Except as provided in division (D) of this section, the~~ The maximum number of beds for the purpose of division (A) of this section shall not exceed ten thousand eight hundred thirty-eight minus, except as provided in division (C) of this section, both of the following: 21899
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(1) The number of such beds that cease to be residential facility beds on or after July 1, 2003, because a residential facility license is revoked, terminated, or not renewed for any reason or is surrendered in accordance with section 5123.19 of the Revised Code ~~and after the issuance of an adjudication order pursuant to Chapter 119. of the Revised Code;~~ 21904
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(2) The number of such beds for which a licensee voluntarily converts to use for supported living on or after July 1, 2003. 21910
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(C) The director is not required to reduce the maximum number of beds pursuant to division (B) of this section by a bed that ceases to be a residential facility bed if the director determines that the bed is needed to provide services to an individual with mental retardation or a developmental disability who resided in the residential facility in which the bed was located ~~unless the reason the bed ceases to be a residential facility bed is because it is converted to providing home and community based services under the ICF/MR conversion pilot program that is authorized by a waiver sought under division (B)(1) of section 5111.88 of the Revised Code.~~

~~(D) The director shall increase the number of beds determined under division (B) of this section if necessary to enable the operator of a residential facility to do either of the following:~~

~~(1) Obtain a residential facility license as required by section 5111.8814 of the Revised Code;~~

~~(2) Reconvert beds to providing ICF/MR services under section 5111.8811 of the Revised Code.~~

~~(E)~~ The director shall maintain an up-to-date written record of the maximum number of residential facility beds provided for by division (B) of this section.

~~(F)~~(E) The director may issue an interim license under division (S) of section 5123.19 of the Revised Code and issue, pursuant to rules adopted under division (H)(11) of that section, a waiver allowing a residential facility to admit more residents than the facility is licensed to admit regardless of whether the interim license or waiver will result in there being more beds in all residential facilities licensed under that section than is permitted under division (B) of this section.

Sec. 5123.36. (A) To the extent funds are available and on

application by a county board of mental retardation and 21942
developmental disabilities or private nonprofit agency 21943
incorporated to provide mental retardation or developmental 21944
disability services, the director of mental retardation and 21945
developmental disabilities may enter into an agreement with the 21946
county board or agency to assist the county board or agency with a 21947
mental retardation or developmental disability construction 21948
project. Except as provided by division (B) of this section, the 21949
director may provide up to ninety per cent of the total project 21950
cost where circumstances warrant. The director may, where 21951
circumstances warrant, use existing facilities or other in-kind 21952
match for the local share of the communities' share of the cost. 21953

(B) Upon the recommendation of the director, for projects of 21954
the highest priority of the department of mental retardation and 21955
developmental disabilities, the controlling board may authorize 21956
the director to provide more than ninety per cent of the total 21957
cost of a project under this section. 21958

(C) A county board is eligible for funds under this section 21959
for a project bid on or after January 1, 1992, under either 21960
section 153.07 or 307.86 of the Revised Code, as long as all other 21961
applicable requirements were followed. 21962

(D) A private nonprofit agency that receives funds pursuant 21963
to this section for the construction of a single-family home, 21964
including, where appropriate, the acquisition and installation of 21965
a single-family home fabricated in an off-site facility, is not 21966
subject to the requirements of Chapter 153. of the Revised Code 21967
with respect to the construction project, notwithstanding any 21968
provision of that chapter to the contrary. 21969

(E) The director may not assist a project under this section 21970
unless the controlling board or director of budget and management 21971
also approves the project pursuant to section 126.14 of the 21972
Revised Code. 21973

Sec. 5501.09. (A) There is hereby created within the division 21974
of multi-modal planning and programs the office of maritime 21975
transportation. The director of transportation shall assign to the 21976
office such duties, powers, and functions relating to state 21977
maritime transportation issues and activities as the director 21978
determines. 21979

(B) In addition to those duties, powers, and functions the 21980
director assigns to it, the office of maritime transportation 21981
shall exercise and perform such other duties, powers, and 21982
functions as are assigned to it by law. 21983

Sec. 5502.68. (A) There is hereby created in the state 21984
treasury the drug law enforcement fund. Three dollars and fifty 21985
cents out of each ten-dollar court cost imposed pursuant to 21986
section 2949.094 of the Revised Code shall be credited to the 21987
fund. Money in the fund shall be in an interest-bearing account, 21988
and all interest earned shall be credited to the fund. Money in 21989
the fund shall be used only in accordance with this section to 21990
award grants to counties, municipal corporations, townships, 21991
township police districts, and joint township police districts to 21992
defray the expenses that a drug task force organized in the 21993
county, or in the county in which the municipal corporation, 21994
township, or district is located, incurs in performing its 21995
functions related to the enforcement of the state's drug laws and 21996
other state laws related to illegal drug activity. 21997

The division of criminal justice services shall administer 21998
all money deposited into the drug law enforcement fund and, by 21999
rule adopted under Chapter 119. of the Revised Code, shall 22000
establish procedures for a county, municipal corporation, 22001
township, township police district, or joint township police 22002
district to apply for money from the fund to defray the expenses 22003
that a drug task force organized in the county, or in the county 22004

in which the municipal corporation, township, or district is 22005
located, incurs in performing its functions related to the 22006
enforcement of the state's drug laws and other state laws related 22007
to illegal drug activity, procedures and criteria for determining 22008
eligibility of applicants to be provided money from the fund, and 22009
procedures and criteria for determining the amount of money to be 22010
provided out of the fund to eligible applicants. 22011

(B) The procedures and criteria established under division 22012
(A) of this section for applying for money from the fund shall 22013
include, but shall not be limited to, a provision requiring a 22014
county, municipal corporation, township, township police district, 22015
or joint township police district that applies for money from the 22016
fund to specify in its application the amount of money desired 22017
from the fund, provided that the cumulative amount requested in 22018
all applications submitted for any single drug task force may not 22019
exceed more than two hundred fifty thousand dollars in any 22020
calendar year for that task force. 22021

(C) The procedures and criteria established under division 22022
(A) of this section for determining eligibility of applicants to 22023
be provided money from the fund and for determining the amount of 22024
money to be provided out of the fund to eligible applicants shall 22025
include, but not be limited to, all of the following: 22026

(1) Provisions requiring that, in order to be eligible to be 22027
provided money from the fund, a drug task force that applies for 22028
money from the fund must provide evidence that the drug task force 22029
will receive a local funding match of at least twenty-five per 22030
cent of the task force's projected operating costs in the period 22031
of time covered by the grant; 22032

(2) Provisions requiring that money from the fund be 22033
allocated and provided to drug task forces that apply for money 22034
from the fund in accordance with the following priorities: 22035

(a) Drug task forces that apply, that are in existence on the date of the application, and that are determined to be eligible applicants, and to which either of the following applies shall be given first priority to be provided money from the fund: 22036
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(i) Drug task forces that received funding through the division of criminal justice services in calendar year 2007; 22040
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(ii) Drug task forces in a county that has a population that exceeds seven hundred fifty thousand. 22042
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(b) If any moneys remain in the fund after all drug task forces that apply, that are in existence on the date of the application, that are determined to be eligible applicants, and that satisfy the criteria set forth in division (C)(2)(a)(i) or (ii) of this section are provided money from the fund as described in division (C)(2)(a) of this section, the following categories of drug task forces that apply and that are determined to be eligible applicants shall be given priority to be provided money from the fund in the order in which they apply for money from the fund: 22044
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(i) Drug task forces that are not in existence on the date of the application; 22053
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(ii) Drug task forces that are in existence on the date of the application but that do not satisfy the criteria set forth in division (C)(2)(a)(i) or (ii) of this section. 22056
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22058

(D) The procedures and criteria established under division (A) of this section for determining the amount of money to be provided out of the fund to eligible applicants shall include, but shall not be limited to, a provision specifying that the cumulative amount provided to any single drug task force may not exceed more than two hundred fifty thousand dollars in any calendar year. 22059
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(E) As used in this section "drug task force" means a drug 22066

task force organized in any county by the sheriff of the county, 22067
the prosecuting attorney of the county, the chief of police of the 22068
organized police department of any municipal corporation or 22069
township in the county, and the chief of police of the police 22070
force of any township police district or joint township police 22071
district in the county to perform functions related to the 22072
enforcement of state drug laws and other state laws related to 22073
illegal drug activity. 22074

Sec. 5513.01. (A) All purchases of machinery, materials, 22075
supplies, or other articles that the director of transportation 22076
makes shall be in the manner provided in this section. In all 22077
cases except those in which the director provides written 22078
authorization for purchases by district deputy directors of 22079
transportation, all such purchases shall be made at the central 22080
office of the department of transportation in Columbus. Before 22081
making any purchase at that office, the director, as provided in 22082
this section, shall give notice to bidders of the director's 22083
intention to purchase. Where the expenditure does not exceed the 22084
amount applicable to the purchase of supplies specified in 22085
division (B) of section 125.05 of the Revised Code, as adjusted 22086
pursuant to division (D) of that section, the director shall give 22087
such notice as the director considers proper, or the director may 22088
make the purchase without notice. Where the expenditure exceeds 22089
the amount applicable to the purchase of supplies specified in 22090
division (B) of section 125.05 of the Revised Code, as adjusted 22091
pursuant to division (D) of that section, the director shall give 22092
notice by posting for not less than ten days a written, typed, or 22093
printed invitation to bidders on a bulletin board, which shall be 22094
located in a place in the offices assigned to the department and 22095
open to the public during business hours. Producers or 22096
distributors of any product may notify the director, in writing, 22097
of the class of articles for the furnishing of which they desire 22098

to bid and their post-office addresses, in which case copies of 22099
all invitations to bidders relating to the purchase of such 22100
articles shall be mailed to such persons by the director by 22101
regular first class mail at least ten days prior to the time fixed 22102
for taking bids. The director also may mail copies of all 22103
invitations to bidders to news agencies or other agencies or 22104
organizations distributing information of this character. Requests 22105
for invitations shall not be valid nor require action by the 22106
director unless renewed, either annually or after such shorter 22107
period as the director may prescribe by a general rule. The 22108
invitation to bidders shall contain a brief statement of the 22109
general character of the article that it is intended to purchase, 22110
the approximate quantity desired, and a statement of the time and 22111
place where bids will be received, and may relate to and describe 22112
as many different articles as the director thinks proper, it being 22113
the intent and purpose of this section to authorize the inclusion 22114
in a single invitation of as many different articles as the 22115
director desires to invite bids upon at any given time. 22116
Invitations issued during each calendar year shall be given 22117
consecutive numbers, and the number assigned to each invitation 22118
shall appear on all copies thereof. In all cases where notice is 22119
required by this section, sealed bids shall be taken, on forms 22120
prescribed and furnished by the director, and modification of bids 22121
after they have been opened shall not be permitted. 22122

(B) The director may permit the Ohio turnpike commission, any 22123
political subdivision, and any state university or college to 22124
participate in contracts into which the director has entered for 22125
the purchase of machinery, materials, supplies, or other articles. 22126
~~Any~~ The turnpike commission and any political subdivision or state 22127
university or college desiring to participate in such purchase 22128
contracts shall file with the director a certified copy of the 22129
bylaws or rules of the turnpike commission or the ordinance or 22130
resolution of ~~its~~ the legislative authority, board of trustees, or 22131

other governing board requesting authorization to participate in 22132
such contracts and agreeing to be bound by such terms and 22133
conditions as the director prescribes. Purchases made by the 22134
turnpike commission, political subdivisions, or state universities 22135
or colleges under this division are exempt from any competitive 22136
bidding required by law for the purchase of machinery, materials, 22137
supplies, or other articles. 22138

(C) As used in this section: 22139

(1) "Political subdivision" means any county, township, 22140
municipal corporation, conservancy district, township park 22141
district, park district created under Chapter 1545. of the Revised 22142
Code, port authority, regional transit authority, regional airport 22143
authority, regional water and sewer district, or county transit 22144
board. 22145

(2) "State university or college" has the same meaning as in 22146
division (A)(1) of section 3345.32 of the Revised Code. 22147

(3) "Ohio turnpike commission" means the commission created 22148
by section 5537.02 of the Revised Code. 22149

Sec. 5525.01. Before entering into a contract the director of 22150
transportation shall advertise for bids for two consecutive weeks 22151
in one newspaper of general circulation published in the county in 22152
which the improvement or part thereof is located, but if there is 22153
no such newspaper then in one newspaper having general circulation 22154
in an adjacent county. The director may advertise for bids in such 22155
other publications as the director considers advisable. Such 22156
notices shall state that plans and specifications for the 22157
improvement are on file in the office of the director and the 22158
district deputy director of the district in which the improvement 22159
or part thereof is located and the time within which bids therefor 22160
will be received. 22161

Each bidder shall be required to file with the bidder's bid a bid guaranty in the form of a certified check ~~or, a cashier's check, or an electronic funds transfer to the treasurer of state~~ that is evidenced by a receipt or by a certification to the director of transportation in a form prescribed by the director that an electronic funds transfer has been made to the treasurer of state, for an amount equal to five per cent of the bidder's bid, but in no event more than fifty thousand dollars, or a bid bond for ten per cent of the bidder's bid, payable to the director, which check, transferred sum, or bond shall be forthwith returned to the bidder in case the contract is awarded to another bidder, or, in case of a successful bidder, when the bidder has entered into a contract and furnished the bonds required by section 5525.16 of the Revised Code. In the event the contract is awarded to a bidder, and the bidder fails or refuses to furnish the bonds as required by section 5525.16 of the Revised Code, the check, transferred sum, or bid bond filed with the bidder's bid shall be forfeited as liquidated damages. No bidder shall be required either to file a signed contract with the bidder's bid, to enter into a contract, or to furnish the contract performance bond and the payment bond required by that section until the bids have been opened and the bidder has been notified by the director that the bidder is awarded the contract.

The director shall permit a bidder to withdraw the bidder's bid from consideration, without forfeiture of the ~~certified check~~, transferred sum, or bid bond filed with the bid, providing a written request together with a sworn statement of the grounds for such withdrawal is delivered within forty-eight hours after the time established for the receipt of bids, and if the price bid was substantially lower than the other bids, providing the bid was submitted in good faith, and the reason for the price bid being substantially lower was a clerical mistake evident on the face of the bid, as opposed to a judgment mistake, and was actually due to

an unintentional and substantial arithmetic error or an 22195
unintentional omission of a substantial quantity of work, labor, 22196
or material made directly in the compilation of the bid. In the 22197
event the director decides the conditions for withdrawal have not 22198
been met, the director may award the contract to such bidder. If 22199
such bidder does not then enter into a contract and furnish the 22200
contract bond as required by law, the director may declare 22201
forfeited the ~~certified~~ check, transferred sum, or bid bond as 22202
liquidated damages and award the contract to the next higher 22203
bidder or reject the remaining bids and readvertise the project 22204
for bids. Such bidder may, within thirty days, appeal the decision 22205
of the director to the court of common pleas of Franklin county 22206
and the court may affirm or reverse the decision of the director 22207
and may order the director to refund the amount of the forfeiture. 22208
At the hearing before the common pleas court evidence may be 22209
introduced for and against the decision of the director. The 22210
decision of the common pleas court may be appealed as in other 22211
cases. 22212

There is hereby created the ODOT letting fund, which shall be 22213
in the custody of the treasurer of state but shall not be part of 22214
the state treasury. All certified checks and cashiers' checks 22215
received with bidders' bids, and all sums transferred to the 22216
treasurer of state by electronic funds transfer in connection with 22217
bidders' bids, under this section shall be credited to the fund. 22218
All such bid guaranties shall be held in the fund until a 22219
determination is made as to the final disposition of the money. If 22220
the department determines that any such bid guaranty is no longer 22221
required to be held, the amount of the bid guaranty shall be 22222
returned to the appropriate bidder. If the department determines 22223
that a bid guaranty under this section shall be forfeited, the 22224
amount of the bid guaranty shall be transferred or, in the case of 22225
money paid on a forfeited bond, deposited into the state treasury, 22226
to the credit of the highway operating fund. Any investment 22227

earnings of the ODOT letting fund shall be distributed as the 22228
treasurer of state considers appropriate. 22229

The director shall require all bidders to furnish the 22230
director, upon such forms as the director may prescribe, detailed 22231
information with respect to all pending work of the bidder, 22232
whether with the department of transportation or otherwise, 22233
together with such other information as the director considers 22234
necessary. 22235

In the event a bidder fails to submit anything required to be 22236
submitted with the bid and then fails or refuses to so submit such 22237
at the request of the director, the failure or refusal constitutes 22238
grounds for the director, in the director's discretion, to declare 22239
as forfeited the bid guaranty submitted with the bid. 22240

The director may reject any or all bids. Except in regard to 22241
contracts for environmental remediation and specialty work for 22242
which there are no classes of work set out in the rules adopted by 22243
the director, if the director awards the contract, the director 22244
shall award it to the lowest competent and responsible bidder as 22245
defined by rules adopted by the director under section 5525.05 of 22246
the Revised Code, who is qualified to bid under sections 5525.02 22247
to 5525.09 of the Revised Code. In regard to contracts for 22248
environmental remediation and specialty work for which there are 22249
no classes of work set out in the rules adopted by the director, 22250
the director shall competitively bid the projects in accordance 22251
with this chapter and shall award the contracts to the lowest and 22252
best bidder. 22253

The award for all projects competitively let by the director 22254
under this section shall be made within ten days after the date on 22255
which the bids are opened, and the successful bidder shall enter 22256
into a contract and furnish a contract performance bond and a 22257
payment bond, as provided for in section 5525.16 of the Revised 22258
Code, within ten days after the bidder is notified that the bidder 22259

has been awarded the contract. 22260

The director may insert in any contract awarded under this 22261
chapter a clause providing for value engineering change proposals, 22262
under which a contractor who has been awarded a contract may 22263
propose a change in the plans and specifications of the project 22264
that saves the department time or money on the project without 22265
impairing any of the essential functions and characteristics of 22266
the project such as service life, reliability, economy of 22267
operation, ease of maintenance, safety, and necessary standardized 22268
features. If the director adopts the value engineering proposal, 22269
the savings from the proposal shall be divided between the 22270
department and the contractor according to guidelines established 22271
by the director, provided that the contractor shall receive at 22272
least fifty per cent of the savings from the proposal. The 22273
adoption of a value engineering proposal does not invalidate the 22274
award of the contract or require the director to rebid the 22275
project. 22276

Sec. 5533.94. In addition to the designation in section 22277
5533.35 of the Revised Code, the road known as interstate highway 22278
number ninety, located within the municipal corporation of 22279
Willoughby Hills in Lake county only, shall be known as the "Cpl. 22280
Joshua Harmon Memorial Highway." 22281

The director of transportation may erect suitable markers 22282
along the highway indicating its name. 22283

Sec. 5703.19. (A) To carry out the purposes of the laws that 22284
the tax commissioner is required to administer, the commissioner 22285
or any person employed by the commissioner for that purpose, upon 22286
demand, may inspect books, accounts, records, and memoranda of any 22287
person or public utility subject to those laws, and may examine 22288
under oath any officer, agent, or employee of that person or 22289

public utility. Any person other than the commissioner who makes a demand pursuant to this section shall produce the person's authority to make the inspection.

(B) If a person or public utility receives at least ten days' written notice of a demand made under division (A) of this section and refuses to comply with that demand, a penalty of five hundred dollars shall be imposed upon the person or public utility for each day the person or public utility refuses to comply with the demand. Penalties imposed under this division may be assessed and collected in the same manner as assessments made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 5739., 5743., 5745., 5747., 5749., or ~~5753.~~ 5751., or sections 3734.90 to 3734.9014, of the Revised Code.

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) of this section, no agent of the department of taxation, except in the agent's report to the department or when called on to testify in any court or proceeding, shall divulge any information acquired by the agent as to the transactions, property, or business of any person while acting or claiming to act under orders of the department. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the department.

(B)(1) For purposes of an audit pursuant to section 117.15 of the Revised Code, or an audit of the department pursuant to Chapter 117. of the Revised Code, or an audit, pursuant to that chapter, the objective of which is to express an opinion on a financial report or statement prepared or issued pursuant to division (A)(7) or (9) of section 126.21 of the Revised Code, the officers and employees of the auditor of state charged with conducting the audit shall have access to and the right to examine

any state tax returns and state tax return information in the 22321
possession of the department to the extent that the access and 22322
examination are necessary for purposes of the audit. Any 22323
information acquired as the result of that access and examination 22324
shall not be divulged for any purpose other than as required for 22325
the audit or unless the officers and employees are required to 22326
testify in a court or proceeding under compulsion of legal 22327
process. Whoever violates this provision shall thereafter be 22328
disqualified from acting as an officer or employee or in any other 22329
capacity under appointment or employment of the auditor of state. 22330

(2) For purposes of an internal audit pursuant to section 22331
126.45 of the Revised Code, the officers and employees of the 22332
office of internal auditing in the office of budget and management 22333
charged with conducting the internal audit shall have access to 22334
and the right to examine any state tax returns and state tax 22335
return information in the possession of the department to the 22336
extent that the access and examination are necessary for purposes 22337
of the internal audit. Any information acquired as the result of 22338
that access and examination shall not be divulged for any purpose 22339
other than as required for the internal audit or unless the 22340
officers and employees are required to testify in a court or 22341
proceeding under compulsion of legal process. Whoever violates 22342
this provision shall thereafter be disqualified from acting as an 22343
officer or employee or in any other capacity under appointment or 22344
employment of the office of internal auditing. 22345

(3) As provided by section 6103(d)(2) of the Internal Revenue 22346
Code, any federal tax returns or federal tax information that the 22347
department has acquired from the internal revenue service, through 22348
federal and state statutory authority, may be disclosed to the 22349
auditor of state or the office of internal auditing solely for 22350
purposes of an audit of the department. 22351

(C) Division (A) of this section does not prohibit any of the 22352

following:	22353
(1) Divulging information contained in applications,	22354
complaints, and related documents filed with the department under	22355
section 5715.27 of the Revised Code or in applications filed with	22356
the department under section 5715.39 of the Revised Code;	22357
(2) Providing information to the office of child support	22358
within the department of job and family services pursuant to	22359
section 3125.43 of the Revised Code;	22360
(3) Disclosing to the board of motor vehicle collision repair	22361
registration any information in the possession of the department	22362
that is necessary for the board to verify the existence of an	22363
applicant's valid vendor's license and current state tax	22364
identification number under section 4775.07 of the Revised Code;	22365
(4) Providing information to the administrator of workers'	22366
compensation pursuant to sections 4123.271 and 4123.591 of the	22367
Revised Code;	22368
(5) Providing to the attorney general information the	22369
department obtains under division (J) of section 1346.01 of the	22370
Revised Code;	22371
(6) Permitting properly authorized officers, employees, or	22372
agents of a municipal corporation from inspecting reports or	22373
information pursuant to rules adopted under section 5745.16 of the	22374
Revised Code;	22375
(7) Providing information regarding the name, account number,	22376
or business address of a holder of a vendor's license issued	22377
pursuant to section 5739.17 of the Revised Code, a holder of a	22378
direct payment permit issued pursuant to section 5739.031 of the	22379
Revised Code, or a seller having a use tax account maintained	22380
pursuant to section 5741.17 of the Revised Code, or information	22381
regarding the active or inactive status of a vendor's license,	22382
direct payment permit, or seller's use tax account;	22383

(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;	22384 22385
(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;	22386 22387 22388 22389 22390
(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;	22391 22392
<u>(11) 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.</u>	22393 22394 22395 22396
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.	22397 22398 22399
(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.	22400 22401 22402 22403 22404 22405 22406 22407 22408 22409 22410
(C) The committee shall consist of:	22411
(1) The following members, appointed by the governor with the advice and consent of the senate:	22412 22413

(a) Not more than two representatives of the business community;	22414 22415
(b) Not more than three representatives of municipal tax administrators; and	22416 22417
(c) Not more than two tax practitioners.	22418
(2) The following ex officio members:	22419
(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;	22420 22421 22422 22423
(b) The secretary of state or the secretary of state's designee;	22424 22425
(c) The treasurer of state or the treasurer of state's designee;	22426 22427
(d) The director of budget and management or the director's designee;	22428 22429
(e) The director of the office of information technology <u>state chief information officer</u> or the director's officer's designee; and	22430 22431 22432
(f) The tax commissioner or the tax commissioner's designee; <u>and</u>	22433 22434
<u>(g) The director of development or the director's designee.</u>	22435
An appointed member shall serve until the member resigns or is removed by the governor. Vacancies shall be filled in the same manner as original appointments.	22436 22437 22438
(D) A vacancy on the committee does not impair the right of the other members to exercise all the functions of the committee. The presence of a majority of the members of the committee constitutes a quorum for the conduct of business of the committee.	22439 22440 22441 22442

The concurrence of at least a majority of the members of the committee is necessary for any action to be taken by the committee. On request, each member of the committee shall be reimbursed for the actual and necessary expenses incurred in the discharge of the member's duties.

(E) The committee is a part of the department of taxation for administrative purposes.

(F) Each year, the governor shall select a member of the committee to serve as chairperson. The chairperson shall appoint an official or employee of the department of taxation to act as the committee's secretary. The secretary shall keep minutes of the committee's meetings and a journal of all meetings, proceedings, findings, and determinations of the committee.

(G) The committee shall hire professional, technical, and clerical staff needed to support its activities.

(H) The committee shall meet as often as necessary to perform its duties.

Sec. 5703.82. (A) Not later than April 1, 2009, the department of taxation shall acquire the necessary hardware, software, and services to establish and implement a tax discovery data system to increase the efficiency of tax collections in the state. The system must be fully integrated and pre-staged for the purposes of assisting in revenue analysis, discovering noncompliant taxpayers, and collecting taxes from those taxpayers. The system shall consolidate tax data from various mainframe systems and operate as a single tax discovery data system. The department shall contract, pursuant to a competitive bidding process, for the necessary hardware, software, and services to implement the tax discovery data system.

(B) There is hereby created in the state treasury the

discovery project fund. All money to the credit of the fund shall 22473
be used to pay the costs of implementing and operating the tax 22474
discovery data system and to defray the costs incurred by the 22475
department of taxation in administering the system. 22476

(C) Beginning July 1, 2009, on or before the first day of 22477
January, April, July, and October of each calendar year, the tax 22478
commissioner shall determine and certify to the director of budget 22479
and management the amount needed to pay the costs of operating the 22480
tax discovery data system in the previous calendar quarter and the 22481
costs incurred in the previous calendar quarter by the department 22482
of taxation in administering the system. The director shall 22483
provide for payment from the general revenue fund to the discovery 22484
project fund of the amount so certified. 22485

Sec. 5705.194. The board of education of any city, local, 22486
exempted village, cooperative education, or joint vocational 22487
school district at any time may declare by resolution that the 22488
revenue that will be raised by all tax levies which the district 22489
is authorized to impose, when combined with state and federal 22490
revenues, will be insufficient to provide for the emergency 22491
requirements of the school district or to avoid an operating 22492
deficit, and that it is therefore necessary to levy an additional 22493
tax in excess of the ten-mill limitation. The resolution shall be 22494
confined to a single purpose and shall specify that purpose. If 22495
the levy is proposed to renew all or a portion of the proceeds 22496
derived from one or more existing levies imposed pursuant to this 22497
section, it shall be called a renewal levy and shall be so 22498
designated on the ballot. If two or more existing levies are to be 22499
included in a single renewal levy but are not scheduled to expire 22500
in the same year, the resolution shall specify that the existing 22501
levies to be renewed shall not be levied after the year preceding 22502
the year in which the renewal levy is first imposed. 22503
Notwithstanding the original purpose of any one or more existing 22504

levies that are to be in any single renewal levy, the purpose of 22505
the renewal levy may be either to avoid an operating deficit or to 22506
provide for the emergency requirements of the school district. The 22507
resolution shall further specify the amount of money it is 22508
necessary to raise for the specified purpose for each calendar 22509
year the millage is to be imposed; if a renewal levy, whether the 22510
levy is to renew all, or a portion of, the proceeds derived from 22511
one or more existing levies; and the number of years in which the 22512
millage is to be in effect, which may include a levy upon the 22513
current year's tax list. The number of years may be any number not 22514
exceeding ~~five~~ ten. 22515

The question shall be submitted at a special election on a 22516
date specified in the resolution. The date shall not be earlier 22517
than eighty days after the adoption and certification of the 22518
resolution to the county auditor and shall be consistent with the 22519
requirements of section 3501.01 of the Revised Code. A resolution 22520
for a renewal levy shall not be placed on the ballot unless the 22521
question is submitted on a date on which a special election may be 22522
held under division (D) of section 3501.01 of the Revised Code, 22523
except for the first Tuesday after the first Monday in February 22524
and August, during the last year the levy to be renewed may be 22525
extended on the real and public utility property tax list and 22526
duplicate, or at any election held in the ensuing year, except 22527
that if the resolution proposes renewing two or more existing 22528
levies, the question shall be submitted on the date of the general 22529
or primary election held during the last year at least one of the 22530
levies to be renewed may be extended on that list and duplicate, 22531
or at any election held during the ensuing year. For purposes of 22532
this section, a levy shall be considered to be an "existing levy" 22533
through the year following the last year it can be placed on the 22534
real and public utility property tax list and duplicate. 22535

The submission of questions to the electors under this 22536

section is subject to the limitation on the number of election 22537
dates established by section 5705.214 of the Revised Code. 22538

The resolution shall go into immediate effect upon its 22539
passage, and no publication of the resolution shall be necessary 22540
other than that provided for in the notice of election. A copy of 22541
the resolution shall immediately after its passing be certified to 22542
the county auditor of the proper county. Section 5705.195 of the 22543
Revised Code shall govern the arrangements for the submission of 22544
questions to the electors under this section and other matters 22545
concerning the election. Publication of notice of the election 22546
shall be made in one or more newspapers of general circulation in 22547
the county once a week for two consecutive weeks prior to the 22548
election, and, if the board of elections operates and maintains a 22549
web site, the board of elections shall post notice of the election 22550
on its web site for thirty days prior to the election. If a 22551
majority of the electors voting on the question submitted in an 22552
election vote in favor of the levy, the board of education of the 22553
school district may make the additional levy necessary to raise 22554
the amount specified in the resolution for the purpose stated in 22555
the resolution. The tax levy shall be included in the next tax 22556
budget that is certified to the county budget commission. 22557

After the approval of the levy and prior to the time when the 22558
first tax collection from the levy can be made, the board of 22559
education may anticipate a fraction of the proceeds of the levy 22560
and issue anticipation notes in an amount not exceeding the total 22561
estimated proceeds of the levy to be collected during the first 22562
year of the levy. 22563

The notes shall be issued as provided in section 133.24 of 22564
the Revised Code, shall have principal payments during each year 22565
after the year of their issuance over a period not to exceed five 22566
years, and may have principal payment in the year of their 22567
issuance. 22568

Sec. 5705.199. (A) At any time the board of education of a city, local, exempted village, cooperative education, or joint vocational school district, by a vote of two-thirds of all its members, may declare by resolution that the revenue that will be raised by all tax levies that the district is authorized to impose, when combined with state and federal revenues, will be insufficient to provide for the necessary requirements of the school district, and that it is therefore necessary to levy a tax in excess of the ten-mill limitation for the purpose of providing for the necessary requirements of the school district. Such a levy shall be proposed as a substitute for all or a portion of one or more existing levies imposed under sections 5705.194 to 5705.197 of the Revised Code or under this section, by levying a tax as follows:

(1) In the initial year the levy is in effect, the levy shall be in a specified amount of money equal to the aggregate annual dollar amount of proceeds derived from the levy or levies, or portion thereof, being substituted.

(2) In each subsequent year the levy is in effect, the levy shall be in a specified amount of money equal to the sum of the following:

(a) The dollar amount of the proceeds derived from the levy in the prior year; and

(b) The dollar amount equal to the product of the total taxable value of all taxable real property in the school district in the then-current year, excluding carryover property as defined in section 319.301 of the Revised Code, multiplied by the annual levy, expressed in mills for each one dollar of valuation, that was required to produce the annual dollar amount of the levy under this section in the prior year; provided, that the amount under division (A)(2)(b) of this section shall not be less than zero.

(B) The resolution proposing the substitute levy shall 22600
specify the annual dollar amount the levy is to produce in its 22601
initial year; the first calendar year in which the levy will be 22602
due; and the term of the levy expressed in years, which may be any 22603
number not exceeding ten, or for a continuing period of time. The 22604
resolution shall specify the date of holding the election, which 22605
shall not be earlier than seventy-five days after certification of 22606
the resolution to the board of elections, and which shall be 22607
consistent with the requirements of section 3501.01 of the Revised 22608
Code. If two or more existing levies are to be included in a 22609
single substitute levy, but are not scheduled to expire in the 22610
same year, the resolution shall specify that the existing levies 22611
to be substituted shall not be levied after the year preceding the 22612
year in which the substitute levy is first imposed. 22613

22614

The resolution shall go into immediate effect upon its 22615
passage, and no publication of the resolution shall be necessary 22616
other than that provided for in the notice of election. A copy of 22617
the resolution shall immediately after its passage be certified to 22618
the county auditor in the manner provided by section 5705.195 of 22619
the Revised Code, and sections 5705.194 and 5705.196 of the 22620
Revised Code shall govern the arrangements for the submission of 22621
the question and other matters concerning the notice of election 22622
and the election, except as may be provided otherwise in this 22623
section. 22624

(C) The form of the ballot to be used at the election on the 22625
question of a levy under this section shall be as follows: 22626

"Shall a tax levy substituting for an existing levy be 22627
imposed by the (here insert name of school district) 22628
for the purpose of providing for the necessary requirements of the 22629
school district in the initial sum of (here insert the 22630
annual dollar amount the levy is to produce in its initial year), 22631

and a levy of taxes be made outside of the ten-mill limitation 22632
estimated by the county auditor to require (here insert 22633
number of mills) mills for each one dollar of valuation, which 22634
amounts to (here insert rate expressed in dollars and 22635
cents) for each one hundred dollars of valuation for the initial 22636
year of the tax, for a period of (here insert the 22637
number of years the levy is to be imposed, or that it will be 22638
levied for a continuing period of time), commencing in 22639
(first year the tax is to be levied), first due in calendar year 22640
..... (first calendar year in which the tax shall be due), 22641
with the sum of such tax to increase only if and as new land or 22642
real property improvements not previously taxed by the school 22643
district are added to its tax list? 22644

	FOR THE TAX LEVY	"
	AGAINST THE TAX LEVY	

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If the levy submitted is a proposal to substitute all or a 22650
portion of more than one existing levy, the form of the ballot may 22651
be changed so long as the ballot reflects the number of levies to 22652
be substituted and that none of the existing levies to be 22653
substituted will be levied after the year preceding the year in 22654
which the substitute levy is first imposed. The form of the ballot 22655
shall be modified by substituting the statement "Shall a tax levy 22656
substituting for an existing levy" with "Shall a tax levy 22657
substituting for existing levies" and adding the following 22658
statement after "added to its tax list?" and before "For the Tax 22659
Levy": 22660

"If approved, any remaining tax years on any of the 22661
..... (here insert the number of existing levies) existing 22662
levies will not be collected after (here insert the 22663

current tax year or, if not the current tax year, the applicable tax year)." 22664
22665

(D) The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code. 22666
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(E) If a majority of the electors voting on the question so submitted in an election vote in favor of the levy, the board of education may make the necessary levy within the school district at the rate and for the purpose stated in the resolution. The tax levy shall be included in the next tax budget that is certified to the county budget commission. 22669
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(F) A levy for a continuing period of time may be decreased pursuant to section 5705.261 of the Revised Code. 22675
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(G) A levy under this section substituting for all or a portion of one or more existing levies imposed under sections 5705.194 to 5705.197 of the Revised Code or under this section shall be treated as having renewed the levy or levies being substituted for purposes of the payments made under sections 5751.20 to 5751.22 of the Revised Code. 22677
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(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. 22683
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Sec. 5705.214. Not more than three elections during any 22694
calendar year shall include the questions by a school district of 22695
tax levies proposed under any one or any combination of the 22696
following sections: sections 5705.194, 5705.199, 5705.21, 22697
5705.212, 5705.213, 5705.217, and 5705.218 of the Revised Code. 22698

Sec. 5705.29. This section does not apply to a subdivision or 22699
taxing unit for which the county budget commission has waived the 22700
requirement to adopt a tax budget pursuant to section 5705.281 of 22701
the Revised Code. The tax budget shall present the following 22702
information in such detail as is prescribed by the auditor of 22703
state: 22704

(A)(1) A statement of the necessary current operating 22705
expenses for the ensuing fiscal year for each department and 22706
division of the subdivision, classified as to personal services 22707
and other expenses, and the fund from which such expenditures are 22708
to be made. Except in the case of a school district, this estimate 22709
may include a contingent expense not designated for any particular 22710
purpose, and not to exceed three per cent of the total amount of 22711
appropriations for current expenses. In the case of a school 22712
district, this estimate may include a contingent expense not 22713
designated for any particular purpose and not to exceed thirteen 22714
per cent of the total amount of appropriations for current 22715
expenses. 22716

(2) A statement of the expenditures for the ensuing fiscal 22717
year necessary for permanent improvements, exclusive of any 22718
expense to be paid from bond issues, classified as to the 22719
improvements contemplated by the subdivision and the fund from 22720
which such expenditures are to be made; 22721

(3) The amounts required for the payment of final judgments; 22722

(4) A statement of expenditures for the ensuing fiscal year 22723

necessary for any purpose for which a special levy is authorized,	22724
and the fund from which such expenditures are to be made;	22725
(5) Comparative statements, so far as possible, in parallel	22726
columns of corresponding items of expenditures for the current	22727
fiscal year and the two preceding fiscal years.	22728
(B)(1) An estimate of receipts from other sources than the	22729
general property tax during the ensuing fiscal year, which shall	22730
include an estimate of unencumbered balances at the end of the	22731
current fiscal year, and the funds to which such estimated	22732
receipts are credited;	22733
(2) The amount each fund requires from the general property	22734
tax, which shall be the difference between the contemplated	22735
expenditure from the fund and the estimated receipts, as provided	22736
in this section. The section of the Revised Code under which the	22737
tax is authorized shall be set forth.	22738
(3) Comparative statements, so far as possible, in parallel	22739
columns of taxes and other revenues for the current fiscal year	22740
and the two preceding fiscal years.	22741
(C)(1) The amount required for debt charges;	22742
(2) The estimated receipts from sources other than the tax	22743
levy for payment of such debt charges, including the proceeds of	22744
refunding bonds to be issued to refund bonds maturing in the next	22745
succeeding fiscal year;	22746
(3) The net amount for which a tax levy shall be made,	22747
classified as to bonds authorized and issued prior to January 1,	22748
1922, and those authorized and issued subsequent to such date, and	22749
as to what portion of the levy will be within and what in excess	22750
of the ten-mill limitation.	22751
(D) An estimate of amounts from taxes authorized to be levied	22752
in excess of the ten-mill limitation on the tax rate, and the fund	22753

to which such amounts will be credited, together with the sections 22754
of the Revised Code under which each such tax is exempted from all 22755
limitations on the tax rate. 22756

(E)(1) A board of education may include in its budget for the 22757
fiscal year in which a levy proposed under section 5705.194, 22758
5705.199, 5705.21, or 5705.213, or the original levy under section 22759
5705.212 of the Revised Code is first extended on the tax list and 22760
duplicate an estimate of expenditures to be known as a voluntary 22761
contingency reserve balance, which shall not be greater than 22762
twenty-five per cent of the total amount of the levy estimated to 22763
be available for appropriation in such year. 22764

(2) A board of education may include in its budget for the 22765
fiscal year following the year in which a levy proposed under 22766
section 5705.194, 5705.199, 5705.21, or 5705.213, or the original 22767
levy under section 5705.212 of the Revised Code is first extended 22768
on the tax list and duplicate an estimate of expenditures to be 22769
known as a voluntary contingency reserve balance, which shall not 22770
be greater than twenty per cent of the amount of the levy 22771
estimated to be available for appropriation in such year. 22772

(3) Except as provided in division (E)(4) of this section, 22773
the full amount of any reserve balance the board includes in its 22774
budget shall be retained by the county auditor and county 22775
treasurer out of the first semiannual settlement of taxes until 22776
the beginning of the next succeeding fiscal year, and thereupon, 22777
with the depository interest apportioned thereto, it shall be 22778
turned over to the board of education, to be used for the purposes 22779
of such fiscal year. 22780

(4) A board of education, by a two-thirds vote of all members 22781
of the board, may appropriate any amount withheld as a voluntary 22782
contingency reserve balance during the fiscal year for any lawful 22783
purpose, provided that prior to such appropriation the board of 22784
education has authorized the expenditure of all amounts 22785

appropriated for contingencies under section 5705.40 of the Revised Code. Upon request by the board of education, the county auditor shall draw a warrant on the district's account in the county treasury payable to the district in the amount requested.

(F)(1) A board of education may include a spending reserve in its budget for fiscal years ending on or before June 30, 2002. The spending reserve shall consist of an estimate of expenditures not to exceed the district's spending reserve balance. A district's spending reserve balance is the amount by which the designated percentage of the district's estimated personal property taxes to be settled during the calendar year in which the fiscal year ends exceeds the estimated amount of personal property taxes to be so settled and received by the district during that fiscal year. Moneys from a spending reserve shall be appropriated in accordance with section 133.301 of the Revised Code.

(2) For the purposes of computing a school district's spending reserve balance for a fiscal year, the designated percentage shall be as follows:

Fiscal year ending in:	Designated percentage
1998	50%
1999	40%
2000	30%
2001	20%
2002	10%

(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 22818
of the reserve balance held in any reserve balance account. The 22819
commission shall consider any amount in a reserve balance account 22820
that it determines to be unreasonable as unencumbered and as 22821
revenue for the purposes of ~~sections~~ section 5747.51 of the 22822
Revised Code and may take such amounts into consideration when 22823
determining whether to reduce the taxing authority of a 22824
subdivision. 22825

Sec. 5709.121. (A) Real property and tangible personal 22826
property belonging to a charitable or educational institution or 22827
to the state or a political subdivision, shall be considered as 22828
used exclusively for charitable or public purposes by such 22829
institution, the state, or political subdivision, if it meets one 22830
of the following requirements: 22831

(1) It is used by such institution, the state, or political 22832
subdivision, or by one or more other such institutions, the state, 22833
or political subdivisions under a lease, sublease, or other 22834
contractual arrangement: 22835

(a) As a community or area center in which presentations in 22836
music, dramatics, the arts, and related fields are made in order 22837
to foster public interest and education therein; 22838

(b) For other charitable, educational, or public purposes. 22839

(2) It is made available under the direction or control of 22840
such institution, the state, or political subdivision for use in 22841
furtherance of or incidental to its charitable, educational, or 22842
public purposes and not with the view to profit. 22843

(3) It is used by an organization described in division (D) 22844
of section 5709.12 of the Revised Code. If the organization is a 22845
corporation that receives a grant under the Thomas Alva Edison 22846
grant program authorized by division (C) of section 122.33 of the 22847

Revised Code at any time during the tax year, "used," for the 22848
purposes of this division, includes holding property for lease or 22849
resale to others. 22850

(B)(1) Property described in division (A)(1)(a) of this 22851
section shall continue to be considered as used exclusively for 22852
charitable or public purposes even if the property is conveyed 22853
through one conveyance or a series of conveyances to an entity 22854
that is not a charitable or educational institution and is not the 22855
state or a political subdivision, provided that all of the 22856
following conditions apply with respect to that property: 22857

(a) The property has been listed as exempt on the county 22858
auditor's tax list and duplicate for the county in which it is 22859
located for the ten tax years immediately preceding the year in 22860
which the property is conveyed through one conveyance or a series 22861
of conveyances; 22862

(b) The owner to which the property is conveyed through one 22863
conveyance or a series of conveyances leases the property through 22864
one lease or a series of leases to the entity that owned or 22865
occupied the property for the ten tax years immediately preceding 22866
the year in which the property is conveyed or an affiliate of such 22867
prior owner or occupant; 22868

(c) The property includes improvements that are at least 22869
fifty years old; 22870

(d) The property is being renovated in connection with a 22871
claim for historic preservation tax credits available under 22872
federal law; 22873

(e) The property continues to be used for the purposes 22874
described in division (A)(1)(a) of this section after its 22875
conveyance; and 22876

(f) The property is certified by the United States secretary 22877
of the interior as a "certified historic structure" or certified 22878

as part of a certified historic structure. 22879

(2) Notwithstanding section 5715.27 of the Revised Code, an 22880
application for exemption from taxation of property described in 22881
division (B)(1) of this section may be filed by either the owner 22882
of the property or its occupant. 22883

(C) For purposes of this section, an institution is a 22884
charitable institution if the institution is a nonprofit 22885
corporation or association, no part of the net earnings of which 22886
inures to the benefit of any private shareholder or individual, is 22887
exempt from federal income taxation under section 501(a) of the 22888
Internal Revenue Code, the majority of the institution's board of 22889
directors are appointed by the mayor or legislative authority of a 22890
municipal corporation or a board of county commissioners, or a 22891
combination thereof, and the primary purpose of the institution is 22892
to assist in the development and revitalization of downtown urban 22893
areas. 22894

Sec. 5721.30. As used in sections 5721.30 to 5721.43 of the 22895
Revised Code: 22896

(A) "Tax certificate," "certificate," or "duplicate 22897
certificate" means a document that may be issued as a physical 22898
certificate, in book-entry form, or through an electronic medium, 22899
at the discretion of the county treasurer. Such document shall 22900
contain the information required by section 5721.31 of the Revised 22901
Code and shall be prepared, transferred, or redeemed in the manner 22902
prescribed by sections 5721.30 to 5721.43 of the Revised Code. As 22903
used in those sections, "tax certificate," "certificate," and 22904
"duplicate certificate" do not refer to the delinquent land tax 22905
certificate or the delinquent vacant land tax certificate issued 22906
under section 5721.13 of the Revised Code. 22907

(B) "Certificate parcel" means the parcel of delinquent land 22908
that is the subject of and is described in a tax certificate. 22909

(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 subordinate to the rights of the holders of other obligations whose proceeds paid the cash portion of the certificate purchase price.

"Certificate purchase price" also includes the amount of the fee charged by the county treasurer to the purchaser of the certificate under division (H) of section 5721.32 of the Revised Code.

(E)(1) With respect to a sale of tax certificates under section 5721.32 of the Revised Code, and except as provided in division (E)(2) of this section, ~~both of the following apply:~~

~~(1)~~ "Certificate certificate redemption price" means the certificate purchase price plus the greater of the following:

(a) ~~Interest~~ Simple interest, at the certificate rate of 22942
interest, accruing during the certificate interest period on the 22943
certificate purchase price, calculated in accordance with section 22944
5721.41 of the Revised Code; 22945

(b) Six per cent of the certificate purchase price. 22946

(2) If the certificate rate of interest equals zero, the 22947
certificate redemption price equals the certificate purchase price 22948
plus the fee charged by the county treasurer to the purchaser of 22949
the certificate under division (H) of section 5721.32 of the 22950
Revised Code. 22951

(F) With respect to a sale of tax certificates under section 22952
5721.33 of the Revised Code, "certificate redemption price" means 22953
the amount equal to the sum of the following: 22954

(1) The certificate purchase price; 22955

(2) Interest accrued on the certificate purchase price at the 22956
certificate rate of interest from the date on which a tax 22957
certificate is delivered through and including the day immediately 22958
preceding the day on which the certificate redemption price is 22959
paid; 22960

(3) The fee, if any, charged by the county treasurer to the 22961
purchaser of the certificate under division (J) of section 5721.33 22962
of the Revised Code; 22963

(4) Any other fees charged by any county office in connection 22964
with the recording of tax certificates. 22965

(G) "Certificate rate of interest" means the rate of simple 22966
interest per year bid by the winning bidder in an auction of a tax 22967
certificate held under section 5721.32 of the Revised Code, or the 22968
rate of simple interest per year not to exceed eighteen per cent 22969
per year fixed pursuant to section 5721.42 of the Revised Code or 22970
by the county treasurer with respect to any tax certificate sold 22971

pursuant to a negotiated sale under section 5721.33 of the Revised Code. The certificate rate of interest shall not be less than zero per cent per year.

(H) "Cash" means United States currency, certified checks, money orders, bank drafts, ~~or~~ electronic transfer of funds, or other forms of payment authorized by the county treasurer, and excludes any other form of payment not so authorized.

(I) "The date on which a tax certificate is sold," "the date the certificate was sold," "the date the certificate is purchased," and any other phrase of similar content mean, with respect to a sale pursuant to an auction under section 5721.32 of the Revised Code, the date designated by the county treasurer for the submission of bids and, with respect to a negotiated sale under section 5721.33 of the Revised Code, the date of delivery of the tax certificates to the purchasers thereof pursuant to a tax certificate sale/purchase agreement.

~~(J) "Purchaser of a tax certificate pursuant to section 5721.32 of the Revised Code" means the winning bidder in an auction of a tax certificate held under section 5721.32 of the Revised Code.~~

~~(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:

(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~~ 23003
~~that section The date the certificate holder files a request for~~ 23004
~~foreclosure or notice of intent to foreclose under division (A) of~~ 23005
~~section 5721.37 of the Revised Code and submits the payment~~ 23006
~~required under division (B) of that section;~~ 23007

~~(2) In the case of a certificate parcel redeemed under~~ 23008
~~division (A) or (C) of section 5721.38 of the Revised Code, the~~ 23009
~~The date the owner of record of the certificate parcel, or any~~ 23010
~~other person entitled to redeem that parcel, pays to the county~~ 23011
~~treasurer or to the certificate holder, as applicable, the full~~ 23012
~~amount determined under that section redeems the certificate~~ 23013
~~parcel under division (A) or (C) of section 5721.38 of the Revised~~ 23014
~~Code or redeems the certificate under section 5721.381 of the~~ 23015
~~Revised Code.~~ 23016

~~(L) "County treasurer" means, with respect to the sale of tax~~ 23017
~~certificates under section 5721.32, or 5721.33 of the Revised~~ 23018
~~Code, the county treasurer of a county having a population of at~~ 23019
~~least two hundred thousand according to the then most recent~~ 23020
~~federal decennial census.~~ 23021

~~(M)(K) "Qualified trustee" means a trust company within the~~ 23022
~~state or a bank having the power of a trust company within the~~ 23023
~~state with a combined capital stock, surplus, and undivided~~ 23024
~~profits of at least one hundred million dollars.~~ 23025

~~(N)(L) "Tax certificate sale/purchase agreement" means the~~ 23026
~~purchase and sale agreement described in division (C) of section~~ 23027
~~5721.33 of the Revised Code setting forth the certificate purchase~~ 23028
~~price, plus any applicable premium or less any applicable~~ 23029
~~discount, including, without limitation, the amount to be paid in~~ 23030
~~cash and the amount and nature of any noncash consideration, the~~ 23031
~~date of delivery of the tax certificates, and the other terms and~~ 23032
~~conditions of the sale, including, without limitation, the rate of~~ 23033
~~interest that the tax certificates shall bear.~~ 23034

~~(O)~~(M) "Noncash consideration" means any form of 23035
consideration other than cash, including, but not limited to, 23036
promissory notes whether subordinate or otherwise. 23037

~~(P)~~(N) "Private attorney" means ~~for purposes of section~~ 23038
~~5721.37 of the Revised Code,~~ any attorney licensed to practice law 23039
in this state, ~~whether practicing with a firm of attorneys or~~ 23040
~~otherwise,~~ whose license has not been revoked ~~or otherwise and is~~ 23041
not currently suspended, and who ~~brings~~ is retained to bring 23042
foreclosure proceedings pursuant to section 5721.37 of the Revised 23043
Code on behalf of a certificate holder. 23044

~~(Q)~~(O) "Related certificate parcel" means, with respect to a 23045
certificate holder, the certificate parcel with respect to which 23046
the certificate holder has purchased and holds a tax certificate 23047
pursuant to sections 5721.30 to 5721.43 of the Revised Code and, 23048
with respect to a tax certificate, the certificate parcel against 23049
which the tax certificate has been sold pursuant to those 23050
sections. 23051

(P) "Delinquent taxes" means delinquent taxes as defined in 23052
section 323.01 of the Revised Code and includes assessments and 23053
charges, and penalties and interest computed under section 323.121 23054
of the Revised Code. 23055

Sec. 5721.31. (A)(1) After receipt of a duplicate of the 23056
delinquent land list compiled under section 5721.011 of the 23057
Revised Code, or a delinquent land list compiled previously under 23058
that section, ~~for a county having a population of at least two~~ 23059
~~hundred thousand according to the most recent federal decennial~~ 23060
~~census,~~ the county treasurer may select from the list parcels of 23061
delinquent land the lien against which the county treasurer may 23062
attempt to transfer by the sale of tax certificates under sections 23063
5721.30 to 5721.43 of the Revised Code. ~~The county treasurer may~~ 23064
~~select only those eligible parcels~~ None of the following parcels 23065

may be selected for a tax certificate sale: 23066

(a) A parcel for which the full amount of taxes, assessments, 23067
penalties, interest, and charges have ~~not yet~~ been paid ~~or~~; 23068

(b) A parcel for which a valid delinquent tax contract under 23069
section 323.122, 323.31, or 5713.20 of the Revised Code is ~~not~~ in 23070
force; 23071

(c) A parcel the owner of which has filed a petition in 23072
bankruptcy, so long as the parcel is property of the bankruptcy 23073
estate. Each certificate shall contain the same information as is 23074
required to be contained in the delinquent land list. The 23075

(2) The county treasurer shall compile a separate list, the 23076
list of parcels selected for tax certificate sales, including the 23077
same information as is required to be included in the delinquent 23078
land list. 23079

Upon compiling the list of parcels selected for tax 23080
certificate sales, the county treasurer may conduct a title search 23081
for any parcel on the list. 23082

(B)(1) Except as otherwise provided in division (B)(3) of 23083
this section, when tax certificates are to be sold under section 23084
5721.32 of the Revised Code with respect to parcels, the county 23085
treasurer shall send written notice by certified ~~or registered~~ 23086
mail to either the owner of record or all interested parties 23087
discoverable through a title search, or both, of each parcel on 23088
the list. A notice to an owner shall be sent to the owner's last 23089
known tax-mailing address. The notice shall inform the owner or 23090
interested parties that a tax certificate will be offered for sale 23091
on the parcel, and that the owner or interested parties may incur 23092
additional expenses as a result of the sale. 23093

(2) Except as otherwise provided in division (B)(3) of this 23094
section, when tax certificates are to be sold under section 23095
5721.33 of the Revised Code with respect to parcels, the county 23096

treasurer, at least thirty days prior to the date of sale of such 23097
tax certificates, shall send written notice of the sale by 23098
certified ~~or registered~~ mail, ~~or both~~, to the last known 23099
tax-mailing address of the record owner of the property or parcel 23100
and may send such notice to all parties with an interest in the 23101
property that has been recorded in the property records of the 23102
county pursuant to section 317.08 of the Revised Code. The notice 23103
shall state that a tax certificate will be offered for sale on the 23104
parcel, and that the owner or interested parties may incur 23105
additional expenses as a result of the sale. 23106

(3) The county treasurer is not required to send a notice 23107
under division (B)(1) or (B)(2) of this section if the treasurer 23108
previously has attempted to send such notice to the owner of the 23109
parcel and the notice has been returned by the post office as 23110
undeliverable. The absence of a valid tax-mailing address for the 23111
owner of a parcel does not preclude the county treasurer from 23112
selling a tax certificate for the parcel. 23113

(C) The county treasurer shall advertise the sale of tax 23114
certificates under section 5721.32 of the Revised Code in a 23115
newspaper of general circulation in the county, once a week for 23116
two consecutive weeks. The advertisement shall include the date, 23117
the time, and the place of the public auction, abbreviated legal 23118
descriptions of the parcels, and the names of the owners of record 23119
of the parcels. The advertisement also shall include the 23120
certificate purchase prices of the parcels or the total purchase 23121
price of tax certificates for sale in blocks of tax certificates. 23122

(D) After the county treasurer has compiled the list of 23123
parcels selected for tax certificate sales but before a tax 23124
certificate respecting a parcel is sold, if the owner of record of 23125
the parcel pays to the county treasurer in cash the ~~full amount of~~ 23126
~~delinquent taxes, assessments, penalties, interest, and charges~~ 23127
~~then due and payable or enters into a valid delinquent tax~~ 23128

~~contract under section 323.31 of the Revised Code to pay that~~ 23129
~~amount delinquent taxes respecting the parcel or otherwise acts so~~ 23130
~~that any condition in division (A)(1)(a), (b), or (c) of this~~ 23131
~~section applies to the parcel,~~ the owner of record of the parcel 23132
also shall pay a fee in an amount prescribed by the treasurer to 23133
cover the administrative costs of the treasurer under this section 23134
respecting the parcel ~~and credited.~~ The fee shall be deposited in 23135
the county treasury to the credit of the tax certificate 23136
administration fund. 23137

(E) A tax certificate administration fund shall be created in 23138
the county treasury of each county selling tax certificates under 23139
sections 5721.30 to 5721.43 of the Revised Code. The fund shall be 23140
administered by the county treasurer, and used solely for the 23141
purposes of sections 5721.30 to 5721.43 of the Revised Code. Any 23142
fee received by the treasurer under sections 5721.30 to 5721.43 of 23143
the Revised Code shall be credited to the fund, except the bidder 23144
registration fee under division (B) of section 5721.32 of the 23145
Revised Code and the county prosecuting attorney's fee under 23146
division (B)(3) of section 5721.37 of the Revised Code. 23147

(F) The county treasurers of more than one county may jointly 23148
conduct a regional sale of tax certificates under section 5721.32 23149
of the Revised Code. A regional sale shall be held at a single 23150
location in one county, where the tax certificates from each of 23151
the participating counties shall be offered for sale at public 23152
auction. Before the regional sale, each county treasurer shall 23153
advertise the sale for the parcels in the treasurer's county as 23154
required by division (C) of this section. At the regional sale, 23155
tax certificates shall be sold on parcels from one county at a 23156
time, with all of the certificates for one county offered for sale 23157
before any certificates for the next county are offered for sale. 23158

(G) The tax commissioner shall prescribe the form of the tax 23159
certificate under this section, and county treasurers shall use 23160

the form so prescribed ~~by the commissioner.~~ 23161

Sec. 5721.32. (A) The sale of tax certificates by public 23162
auction may be conducted at any time after completion of the 23163
advertising of the sale under section 5721.31 of the Revised Code, 23164
on the date and at the time and place designated in the 23165
advertisements, and may be continued from time to time as the 23166
county treasurer directs. The county treasurer may offer the tax 23167
certificates for sale in blocks of tax certificates, consisting of 23168
any number of tax certificates as determined by the county 23169
treasurer. 23170

(B)(1) The sale of tax certificates under this section shall 23171
be conducted at a public auction by the county treasurer or a 23172
designee of the county treasurer. 23173

(2) No person shall be permitted to bid without completing a 23174
bidder registration form, in the form prescribed by the tax 23175
commissioner, and without filing the form with the county 23176
treasurer prior to the start of the auction, together with 23177
remittance of a registration fee, in cash, of five hundred 23178
dollars. The bidder registration form shall include a tax 23179
identification number of the registrant. The registration fee is 23180
refundable at the end of bidding on the day of the auction, unless 23181
the registrant is the winning bidder for one or more tax 23182
certificates or one or more blocks of tax certificates, in which 23183
case the fee may be applied toward the deposit required by this 23184
section. 23185

(3) The county treasurer may require a person who wishes to 23186
bid on one or more parcels to submit a letter from a financial 23187
institution stating that the bidder has sufficient funds available 23188
to pay the purchase price of the parcels and a written 23189
authorization for the treasurer to verify such information with 23190
the financial institution. The county treasurer may require 23191

submission of the letter and authorization sufficiently in advance 23192
of the auction to allow for verification. No person who fails to 23193
submit the required letter and authorization, or whose financial 23194
institution fails to provide the requested verification, shall be 23195
permitted to bid. 23196

(C) At the public auction, the county treasurer or the 23197
treasurer's designee or agent shall begin the bidding at eighteen 23198
per cent per year simple interest, and accept lower bids in even 23199
increments of one-fourth of one per cent to the rate of zero per 23200
cent. The county treasurer, designee, or agent shall award the tax 23201
certificate to the person bidding the lowest certificate rate of 23202
interest. The county treasurer shall decide which person is the 23203
winning bidder in the event of a tie for the lowest bid offered, 23204
or if a person contests the lowest bid offered. The county 23205
treasurer's decision is not appealable. 23206

(D)(1) The winning bidder shall pay the county treasurer a 23207
cash deposit of at least ten per cent of the certificate purchase 23208
price not later than the close of business on the day of the sale. 23209
The winning bidder shall pay the balance and the fee required 23210
under division (H) of this section not later than five business 23211
days after the day on which the certificate is sold. ~~If~~ Except as 23212
provided under division (D)(2) of this section, if the winning 23213
bidder fails to pay the balance and fee within the prescribed 23214
time, the bidder forfeits the deposit, and the county treasurer 23215
shall retain the tax certificate and may attempt to sell it at any 23216
auction conducted at a later date. ~~The~~ 23217

(2) At the request of a winning bidder, the county treasurer 23218
may release the bidder from the bidder's tax certificate purchase 23219
obligation. The county treasurer may retain all or any portion of 23220
the deposit of a bidder granted a release. After granting a 23221
release under this division, the county treasurer may award the 23222
tax certificate to the person that submitted the second lowest bid 23223

at the auction. 23224

(3) ~~The~~ county treasurer shall deposit the ~~forfeited~~ deposit 23225
forfeited or retained under divisions (D)(1) or (2) of this 23226
section in the county treasury to the credit of the tax 23227
certificate administration fund. 23228

(E) Upon receipt of the full payment of the certificate 23229
purchase price from the purchaser, the county treasurer shall 23230
issue the tax certificate and record the tax certificate sale by 23231
~~marking on the tax certificate and~~ entering into a tax certificate 23232
register, the certificate purchase price, the certificate rate of 23233
interest, the date the certificate was sold, ~~and~~ the name and 23234
address of the certificate holder, ~~which~~ and any other information 23235
the county treasurer considers necessary. The county treasurer may 23236
keep the tax certificate register in a hard-copy format or in an 23237
electronic format. The name and address of the certificate holder 23238
may be, upon receipt of instructions from the purchaser, that of 23239
the secured party of the actual purchaser, or an agent or 23240
custodian for the purchaser or secured party. The county treasurer 23241
also shall transfer the tax certificate to the certificate holder 23242
~~and, upon presentation to the treasurer of instructions signed by~~ 23243
~~the certificate purchaser, shall record in the tax certificate~~ 23244
~~register the name and address of any secured party of the~~ 23245
~~certificate purchaser having a security interest in the tax~~ 23246
~~certificate. Upon the transfer of a tax certificate, the .~~ The 23247
county treasurer shall apportion the part of the proceeds from the 23248
sale representing taxes, penalties, and interest among the several 23249
taxing districts in the same proportion that the amount of taxes 23250
levied by each district against the certificate parcel in the 23251
preceding tax year bears to the taxes levied by all such districts 23252
against the certificate parcel in the preceding tax year, and 23253
credit the part of the proceeds representing assessments and other 23254
charges to the items of assessments and charges in the order in 23255

which those items became due. Upon ~~completion of the sale of~~ 23256
issuing a tax certificate, the delinquent taxes, ~~assessments,~~ 23257
~~penalties, and interest~~ that make up the certificate purchase 23258
price are transferred, and the superior lien of the state and its 23259
taxing districts for those delinquent taxes, ~~assessments,~~ 23260
~~penalties, and interest~~ is conveyed intact to the certificate 23261
holder. 23262

(F) If a tax certificate is offered for sale under this 23263
section but is not sold, the county treasurer may strike the 23264
corresponding certificate parcel from the list of parcels selected 23265
for tax certificate sales. The lien for taxes, assessments, 23266
charges, penalties, and interest against a parcel stricken from 23267
the list thereafter may be foreclosed in the manner prescribed by 23268
section 323.25, 5721.14, or 5721.18 of the Revised Code unless, 23269
prior to the institution of such proceedings against the parcel, 23270
the county treasurer restores the parcel to the list of parcels 23271
selected for tax certificate sales. 23272

(G) A certificate holder shall not be liable for damages 23273
arising from a violation of sections 3737.87 to 3737.891 or 23274
Chapter 3704., 3734., 3745., 3746., 3750., 3751., 3752., 6109., or 23275
6111. of the Revised Code, or a rule adopted or order, permit, 23276
license, variance, or plan approval issued under any of those 23277
chapters, that is or was committed by another person in connection 23278
with the parcel for which the tax certificate is held. 23279

(H) When selling a tax certificate under this section, the 23280
county treasurer shall charge a fee to the purchaser of the 23281
certificate. The county treasurer shall set the fee at a 23282
reasonable amount that covers the treasurer's costs of 23283
administering the sale of the tax certificate. The county 23284
treasurer shall deposit the fee in the county treasury to the 23285
credit of the tax certificate administration fund. 23286

(I) After selling a tax certificate under this section, the 23287

county treasurer shall send written notice by certified ~~or~~ 23288
~~registered~~ mail to the owner of the certificate parcel at the 23289
owner's last known tax-mailing address. The notice shall inform 23290
the owner that the tax certificate was sold, shall describe the 23291
owner's options to redeem the parcel, including entering into a 23292
redemption payment plan under division (C)(1) of section 5721.38 23293
of the Revised Code, and shall name the certificate holder and its 23294
secured party, if any. However, the county treasurer is not 23295
required to send a notice under this division if the treasurer 23296
previously has attempted to send a notice to the owner of the 23297
parcel at the owner's last known tax-mailing address, and the 23298
postal service has returned the notice as undeliverable. 23299

(J) A tax certificate shall not be sold to the owner of the 23300
certificate parcel. 23301

Sec. 5721.33. (A) A county treasurer may, in the treasurer's 23302
discretion, negotiate the sale of any number of tax certificates 23303
with one or more persons, ~~including~~. Terms that may be negotiated 23304
include, without limitation, any of the following: 23305

(1) A premium to be added to or discount to be subtracted 23306
from the certificate purchase price for the tax certificates and 23307
any; 23308

(2) Different time frames under which the certificate holder 23309
may initiate a foreclosure action than are otherwise allowed under 23310
sections 5721.30 to 5721.43 of the Revised Code, not to exceed six 23311
years after the date the tax certificate was sold; 23312

(3) The amount to be paid in private attorney's fees related 23313
to tax certificate foreclosures, subject to section 5721.371 of 23314
the Revised Code; 23315

(4) Any other terms of the sale that the county treasurer, in 23316
the treasurer's discretion, determines appropriate or necessary 23317

for the sale. 23318

(B) The sale of tax certificates under this section shall be 23319
governed by the criteria established by the county treasurer 23320
pursuant to division (E) of this section. 23321

(C) The county treasurer may execute a tax certificate 23322
sale/purchase agreement and other necessary agreements with a 23323
designated purchaser or purchasers to complete a negotiated sale 23324
of tax certificates. 23325

(D) The tax certificate may be sold at a premium to or 23326
discount from the certificate purchase price. The county treasurer 23327
may establish as one of the terms of the negotiated sale the 23328
portion of the certificate purchase price, plus any applicable 23329
premium or less any applicable discount, that the purchaser or 23330
purchasers shall pay in cash on the date the tax certificates are 23331
sold and the portion, if any, of the certificate purchase price, 23332
plus any applicable premium or less any applicable discount, that 23333
the purchaser or purchasers shall pay in noncash consideration and 23334
the nature of that consideration. 23335

The county treasurer shall sell such tax certificates at a 23336
certificate purchase price, plus any applicable premium and less 23337
any applicable discount, and at a certificate rate of interest 23338
that, in the treasurer's determination, are in the best interests 23339
of the county. 23340

(E)(1) The county treasurer shall adopt rules governing the 23341
eligibility of persons to purchase tax certificates or to 23342
otherwise participate in a negotiated sale under this section. The 23343
rules may provide for precertification of such persons, including 23344
a requirement for disclosure of income, assets, and any other 23345
financial information the county treasurer determines appropriate. 23346
The rules also may prohibit any person that is delinquent in the 23347
payment of any tax to the county or to the state, or that is in 23348

default in or on any other obligation to the county or to the 23349
state, from purchasing a tax certificate or otherwise 23350
participating in a negotiated sale of tax certificates under this 23351
section. The eligibility information required shall include the 23352
tax identification number of the purchaser and may include the tax 23353
identification number of the participant. The county treasurer, 23354
upon request, shall provide a copy of the rules adopted under this 23355
section. 23356

(2) Any person that intends to purchase a tax certificate in 23357
a negotiated sale shall submit an affidavit to the county 23358
treasurer that establishes compliance with the applicable 23359
eligibility criteria and includes any other information required 23360
by the treasurer. Any person that fails to submit such an 23361
affidavit is ineligible to purchase a tax certificate. Any person 23362
that knowingly submits a false or misleading affidavit shall 23363
forfeit any tax certificate or certificates purchased by the 23364
person at a sale for which the affidavit was submitted, shall be 23365
liable for payment of the full certificate purchase price, plus 23366
any applicable premium and less any applicable discount, of the 23367
tax certificate or certificates, and shall be disqualified from 23368
participating in any tax certificate sale conducted in the county 23369
during the next five years. 23370

(3) A tax certificate shall not be sold to the owner of the 23371
certificate parcel or to any corporation, partnership, or 23372
association in which such owner has an interest. No person that 23373
purchases a tax certificate in a negotiated sale shall assign or 23374
transfer the tax certificate to the owner of the certificate 23375
parcel or to any corporation, partnership, or association in which 23376
the owner has an interest. Any person that knowingly or 23377
negligently transfers or assigns a tax certificate to the owner of 23378
the certificate parcel or to any corporation, partnership, or 23379
association in which such owner has an interest shall be liable 23380

for payment of the full certificate purchase price, plus any 23381
applicable premium and less any applicable discount, and shall not 23382
be entitled to a refund of any amount paid. Such tax certificate 23383
shall be deemed void and the tax lien sold under the tax 23384
certificate shall revert to the county as if no sale of the tax 23385
certificate had occurred. 23386

(F) The purchaser in a negotiated sale under this section 23387
shall deliver the certificate purchase price, plus any applicable 23388
premium and less any applicable discount and including any noncash 23389
consideration, to the county treasurer not later than the close of 23390
business on the date the tax certificates are delivered to the 23391
purchaser. The certificate purchase price, ~~plus any applicable~~ 23392
~~premium and~~ less any applicable discount, or portion of the price, 23393
that is paid in cash shall be deposited in the county's general 23394
fund to the credit of the account to which ad valorem real 23395
property taxes are credited and further credited as provided in 23396
division (G) of this section. Any applicable premium that is paid 23397
shall be, at the discretion of the county treasurer, apportioned 23398
to and deposited in any authorized county fund. The purchaser also 23399
shall pay on the date the tax certificates are delivered to the 23400
purchaser the fee, if any, negotiated under division (J) of this 23401
section. If the purchaser fails to pay the certificate purchase 23402
price, plus any applicable premium and less any applicable 23403
discount, and any such fee, within the time periods required by 23404
this section, the county treasurer shall retain the tax 23405
certificate and may attempt to sell it at any auction or 23406
negotiated sale conducted at a later date. 23407

(G) Upon receipt of the full payment from the purchaser of 23408
the certificate purchase price, plus any applicable premium and 23409
less any applicable discount, and the negotiated fee, if any, ~~from~~ 23410
~~the purchaser,~~ the county treasurer, or a qualified trustee whom 23411
the treasurer has engaged for such purpose, shall issue the tax 23412

certificate and record the tax certificate sale by ~~marking on each~~ 23413
~~of the tax certificates sold or, if issued in book entry form, on~~ 23414
~~the global tax certificate, and marking~~ entering into a tax 23415
certificate register, the certificate purchase price, any premium 23416
paid or discount taken, the certificate rate of interest, the date 23417
the certificates were sold, ~~and~~ the name and address of the 23418
certificate holder or, in the case of issuance of the tax 23419
certificates in a book-entry system, the name and address of the 23420
nominee, ~~which~~ and any other information the county treasurer 23421
considers necessary. The county treasurer may keep the tax 23422
certificate register in a hard-copy format or an electronic 23423
format. The name and address of the certificate holder or nominee 23424
may be, upon receipt of instructions from the purchaser, that of 23425
the secured party of the actual purchaser, or an agent or 23426
custodian for the purchaser or secured party. The county treasurer 23427
also shall transfer the tax certificates to the certificate holder 23428
~~and, upon presentation to the treasurer of instructions signed by~~ 23429
~~the certificate purchaser or purchasers, shall record in the tax~~ 23430
~~certificate register the name and address of any secured party of~~ 23431
~~the certificate purchaser or purchasers having a security interest~~ 23432
~~in the tax certificate. Upon the transfer of the tax certificates,~~ 23433
~~the.~~ The county treasurer shall apportion the part of the cash 23434
proceeds from the sale representing taxes, penalties, and interest 23435
among the several taxing districts in the same proportion that the 23436
amount of taxes levied by each district against the certificate 23437
parcels in the preceding tax year bears to the taxes levied by all 23438
such districts against the certificate parcels in the preceding 23439
tax year, and credit the part of the proceeds representing 23440
assessments and other charges to the items of assessments and 23441
charges in the order in which those items became due. If the cash 23442
proceeds from the sale are not sufficient to fully satisfy the 23443
items of ~~outstanding delinquent~~ taxes, assessments, penalties, 23444
interest, and charges on the certificate parcels against which tax 23445

certificates were sold, the county treasurer shall credit the cash 23446
proceeds to such items pro rata based upon the proportion that 23447
each item of ~~delinquent~~ taxes, assessments, penalties, interest, 23448
and charges bears to the aggregate of all such items, or by any 23449
other method that the county treasurer, in the treasurer's sole 23450
discretion, determines is equitable. Upon ~~completion of the sale~~ 23451
~~of issuing~~ the tax certificates, the delinquent taxes, 23452
~~assessments, penalties, and interest~~ that make up the certificate 23453
purchase price are transferred, and the superior lien of the state 23454
and its taxing districts for those delinquent taxes, ~~assessments,~~ 23455
~~penalties, and interest~~ is conveyed intact to the certificate 23456
holder or holders. 23457

(H) If a tax certificate is offered for sale under this 23458
section but is not sold, the county treasurer may strike the 23459
corresponding certificate parcel from the list of parcels selected 23460
for tax certificate sales. The lien for taxes, assessments, 23461
charges, penalties, and interest against a parcel stricken from 23462
the list thereafter may be foreclosed in the manner prescribed by 23463
section 323.25, 5721.14, or 5721.18 of the Revised Code unless, 23464
prior to the institution of such proceedings against the parcel, 23465
the county treasurer restores the parcel to the list of parcels 23466
selected for tax certificate sales. 23467

(I) Neither a certificate holder nor its secured party, if 23468
any, shall be liable for damages arising from a violation of 23469
sections 3737.87 to 3737.891 or Chapter 3704., 3734., 3745., 23470
3746., 3750., 3751., 3752., 6109., or 6111. of the Revised Code, 23471
or a rule adopted or order, permit, license, variance, or plan 23472
approval issued under any of those chapters, that is or was 23473
committed by another person in connection with the parcel for 23474
which the tax certificate is held. 23475

(J) When selling a tax certificate under this section, the 23476
county treasurer may negotiate with the purchaser of the 23477

certificate for a ~~fee~~ fees paid by the purchaser to the county 23478
treasurer to reimburse the treasurer for any part or all of the 23479
treasurer's costs of preparing for and administering the sale of 23480
the tax certificate and any fees set forth by the county treasurer 23481
in the tax certificate sale/purchase agreement. Such fee fees, if 23482
any, shall be added to the certificate purchase price ~~of the~~ 23483
~~certificate~~ and shall be paid by the purchaser on the date of 23484
delivery of the tax certificate. The county treasurer shall 23485
deposit the fee fees in the county treasury to the credit of the 23486
tax certificate administration fund. 23487

(K) After selling tax certificates under this section, the 23488
county treasurer shall send written notice by certified ~~or~~ 23489
~~registered~~ mail to the last known tax-mailing address of the owner 23490
of the certificate parcel. The notice shall inform the owner that 23491
a tax certificate with respect to such owner's parcel was sold and 23492
shall describe the owner's options to redeem the parcel, including 23493
entering into a redemption payment plan under division (C)(2) of 23494
section 5721.38 of the Revised Code. However, the county treasurer 23495
is not required to send a notice under this division if the 23496
treasurer previously has attempted to send a notice to the owner 23497
of the parcel at the owner's last known tax-mailing address and 23498
the postal service has returned the notice as undeliverable. 23499

Sec. 5721.34. (A) A county treasurer shall not sell any tax 23500
certificate respecting a parcel of delinquent land ~~upon which the~~ 23501
~~full amount of delinquent taxes, assessments, penalties, interest,~~ 23502
~~charges, and costs then due and payable have been paid, or with~~ 23503
~~respect to which a valid delinquent tax contract under any of~~ 23504
divisions (A)(1)(a) to (c) of section ~~323.31~~ 5721.31 of the 23505
Revised Code ~~to pay that amount has been entered into, prior to~~ 23506
~~the sale of the certificate by the county treasurer~~ apply. A 23507
certificate sold in violation of this section is void. 23508

(B) If the county treasurer discovers or determines that ~~the~~ 23509
~~a~~ certificate is void ~~under division (A) of this section~~ for any 23510
reason, the holder of the void certificate is entitled to a refund 23511
of the certificate purchase price, plus any applicable premium and 23512
less any applicable discount, and the fee charged by the treasurer 23513
under division (H) of section 5721.32 or division (J) of section 23514
5721.33 of the Revised Code, if any, as applicable. If the county 23515
treasurer makes the discovery or determination more than ~~sixty~~ 23516
ninety days after the certificate's date of sale, the holder also 23517
is entitled to interest on the certificate purchase price at the 23518
rate of five per cent per year. The interest shall be calculated 23519
from the first day of the month following the month in which the 23520
certificate was sold, to the first day of the month in which the 23521
county treasurer makes the discovery or determination. The county 23522
treasurer shall notify the certificate holder by ordinary first 23523
class or certified mail or by binary means that the certificate is 23524
void and shall issue the refund. The county auditor shall issue a 23525
warrant for the portion of the refund from the undivided tax fund, 23526
which portion consists of the certificate purchase price, plus any 23527
applicable premium and less any applicable discount; the portion 23528
of the refund consisting of interest and the treasurer's fee, if 23529
any, shall be paid from the tax certificate administration fund. 23530

(C) With respect to a tax certificate ~~sold under section~~ 23532
~~5721.32 of the Revised Code and~~ found to be void under division 23533
(A) or (B) of this section, ~~in addition to the remedies available~~ 23534
~~under division (B) of this section~~, the county treasurer may, with 23535
the approval of the certificate holder, substitute for such tax 23536
certificate ~~or portion thereof~~ another tax certificate that has a 23537
value certificate purchase price equivalent to the ~~value~~ 23538
certificate purchase price of the tax certificate found to be 23539
void. In addition, the substitute tax certificate shall be for a 23540
parcel concerning which the county treasurer has taken action 23541

under divisions (A), (B), and (C) of section 5721.31 of the 23542
Revised Code, but with respect to which a tax certificate has not 23543
been sold, and that has a true value, as determined by the county 23544
auditor, that is equivalent to the true value of the parcel for 23545
which the tax certificate has been found to be void. Whenever a 23546
tax certificate ~~of equivalent value~~ is to be substituted for a tax 23547
certificate that has been found to be void, the county treasurer 23548
shall provide ~~written~~ notice of the intention to substitute a tax 23549
certificate ~~of equivalent value~~ to any person required to be 23550
notified under division (I) of section 5721.32 or division (K) of 23551
section 5721.33 of the Revised Code. 23552

(D) If an application for the exemption from and remission of 23553
taxes made under section 3735.67 or 5715.27 of the Revised Code, 23554
or under any other section of the Revised Code under the 23555
jurisdiction of the director of environmental protection, is 23556
granted for a parcel for which a tax certificate has been sold, 23557
the county treasurer shall refund to the certificate holder, in 23558
the manner provided in this section, the amount of any taxes 23559
exempted or remitted that were included in the certificate 23560
purchase price. If the whole amount of the taxes included in the 23561
certificate purchase price are exempted or remitted, the tax 23562
certificate is void. If all of the taxes that were included in the 23563
certificate purchase price are not exempted or remitted, the 23564
county treasurer shall adjust the tax certificate register to 23565
reflect the remaining amount of taxes that were not exempted or 23566
remitted, and notify the certificate holder of the adjustment in 23567
writing. 23568

Sec. 5721.35. (A) Upon the sale and delivery of a tax 23569
certificate, the tax certificate vests in the certificate holder 23570
the first lien previously held by the state and its taxing 23571
districts under section 5721.10 of the Revised Code for the amount 23572
of taxes, assessments, interest, and penalty charged against a 23573

certificate parcel, superior to all other liens and encumbrances 23574
upon the parcel described in the tax certificate, in the amount of 23575
the certificate redemption price, except liens for delinquent 23576
taxes, ~~assessments, penalties, interest, charges, and costs~~ that 23577
attached to the certificate parcel prior to the attachment of the 23578
lien being conveyed by the sale of such tax certificate. With 23579
respect to the priority as among such first liens of the state and 23580
its taxing districts for different years, the priority shall be 23581
determined by the date such first liens of the state and its 23582
taxing districts attached pursuant to section 323.11 of the 23583
Revised Code, with first priority to the earliest attached lien 23584
and each immediately subsequent priority based upon the next 23585
earliest attached lien. 23586

(B)(1) A certificate holder or the county treasurer may 23587
record the tax certificate or memorandum thereof in the office of 23588
the county recorder of the county in which the certificate parcel 23589
is situated, as a mortgage of land under division (A)(2) of 23590
section 317.08 of the Revised Code. The county recorder shall 23591
index the certificate in the indexes provided for under section 23592
317.18 of the Revised Code. If the lien is subsequently canceled, 23593
the cancellation also shall be recorded by the county recorder. 23594

(2) Notwithstanding Chapter 1309., Title LIII, or any other 23595
provision of the Revised Code, a secured party holding a security 23596
interest in a tax certificate or memorandum thereof may perfect 23597
that security interest only by one of the following methods: 23598

(a) Possession; 23599

(b) Registering the tax certificate with the county treasurer 23600
in the name of the secured party, or its agent or custodian, as 23601
certificate holder; 23602

(c) Recording the name of the secured party in the tax 23603
certificate register in the office of the county treasurer of the 23604

county in which the certificate parcel is situated. 23605

Sec. 5721.36. (A)(1) Except as otherwise provided in division 23606
(A)(2) of this section, the purchaser of a tax certificate sold as 23607
part of a block sale pursuant to section 5721.32 of the Revised 23608
Code may transfer the certificate to any person, and any other 23609
purchaser of a tax certificate pursuant to section 5721.32 or 23610
5721.33 of the Revised Code may transfer the certificate to any 23611
person, except the owner of the certificate parcel or any 23612
corporation, partnership, or association in which such owner has 23613
an interest. The transferee of a tax certificate subsequently may 23614
transfer the certificate to any other person to whom the purchaser 23615
could have transferred the certificate. The transferor of a tax 23616
certificate shall endorse the certificate and shall swear to the 23617
endorsement before a notary public or other officer empowered to 23618
administer oaths. The transferee shall present the endorsed 23619
certificate and a notarized copy of a valid form of identification 23620
showing the transferee's taxpayer identification number to the 23621
county treasurer of the county where the certificate is 23622
registered, who shall, upon payment of a fee of twenty dollars to 23623
cover the costs associated with the transfer of a tax certificate, 23624
enter upon the register of certificate holders opposite the 23625
certificate entry the name and address of the transferee, the date 23626
of entry, and, upon presentation to the treasurer of instructions 23627
signed by the transferee, the name and address of any secured 23628
party of the transferee having an interest in the tax certificate. 23629
The treasurer shall deposit the fee in the county treasury to the 23630
credit of the tax certificate administration fund. 23631

23632

Except as otherwise provided in division (A)(2) of this 23633
section, no request for foreclosure or notice of intent to 23634
foreclose, as the case may be, shall be filed by any person other 23635
than the person shown on the tax certificate register to be the 23636

certificate holder or a private attorney for that person properly 23637
authorized to act in that person's behalf. 23638

(2) Upon registration of a security interest with the county 23639
treasurer ~~as provided in section 5721.32 or 5721.33 of the Revised~~ 23640
~~Code~~, both of the following apply: 23641

(a) No purchaser or transferee of a tax certificate may 23642
transfer that tax certificate except upon presentation to the 23643
treasurer of instructions signed by the secured party authorizing 23644
such action. 23645

(b) Only the secured party may issue a request for 23646
foreclosure or notice of intent to foreclose concerning that tax 23647
certificate. 23648

(B)(1) Application may be made to the county treasurer for a 23649
duplicate certificate if a certificate is alleged by affidavit to 23650
have been lost or destroyed. The treasurer shall issue a duplicate 23651
certificate, upon payment of a fee of twenty dollars to cover the 23652
costs of issuing the duplicate certificate. The treasurer shall 23653
deposit the fee in the county treasury to the credit of the tax 23654
certificate administration fund. 23655

(2) The duplicate certificate shall be plainly marked or 23656
stamped "duplicate." 23657

(3) The treasurer shall enter the fact of the duplicate in 23658
the tax certificate register ~~of certificate holders~~. 23659

Sec. 5721.37. (A)(1) With respect to a tax certificate 23660
purchased under section 5721.32 of the Revised Code, or under 23661
section 5721.42 of the Revised Code ~~in counties to which~~ by the 23662
holder of a certificate issued under section 5721.32 of the 23663
Revised Code ~~applies~~, at any time after one year from the date 23664
shown on the tax certificate as the date the tax certificate was 23665
sold, and not later than three years after that date, the 23666

certificate holder may file with the county treasurer a request 23667
for foreclosure, or a private attorney on behalf of the 23668
certificate holder may file with the county treasurer a notice of 23669
intent to foreclose, on a form prescribed by the tax commissioner 23670
~~and provided by the county treasurer~~, provided the certificate 23671
parcel has not ~~yet~~ been redeemed under division (A) or (C) of 23672
section 5721.38 of the Revised Code and at least one certificate 23673
respecting the certificate parcel, held by the certificate holder 23674
filing the request for foreclosure or notice of intent to 23675
foreclose and eligible to be enforced through a foreclosure 23676
proceeding, has not been voided under section 5721.381 of the 23677
Revised Code. 23678

(2) With respect to a tax certificate purchased under section 23679
5721.33 of the Revised Code, or under section 5721.42 of the 23680
Revised Code ~~in counties to which~~ by the holder of a certificate 23681
issued under section 5721.33 of the Revised Code ~~applies~~, at any 23682
time after one year from the date shown on the tax certificate as 23683
the date the tax certificate was sold, and not later than six 23684
years after that date or any extension of that date pursuant to 23685
division (C)(2) of section 5721.38 of the Revised Code, or not 23686
earlier or later than the dates negotiated by the county treasurer 23687
and specified in the tax certificate sale/purchase agreement, the 23688
certificate holder may file with the county treasurer a request 23689
for foreclosure, or a private attorney on behalf of the 23690
certificate holder may file with the county treasurer a notice of 23691
intent to foreclose, on a form prescribed by the tax commissioner 23692
~~and provided by the county treasurer~~, provided the parcel has not 23693
~~yet~~ been redeemed under division (A) or (C) of section 5721.38 of 23694
the Revised Code and at least one certificate respecting the 23695
certificate parcel, held by the certificate holder filing the 23696
request for foreclosure or notice of intent to foreclose and 23697
eligible to be enforced through a foreclosure proceeding, has not 23698
been voided under section 5721.381 of the Revised Code. 23699

(3)(a) With respect to a tax certificate purchased under 23700
section 5721.32 of the Revised Code, or under section 5721.42 of 23701
the Revised Code ~~in counties to which~~ by the holder of a 23702
certificate issued under section 5721.32 of the Revised Code 23703
~~applies~~, if, before the expiration of three years after the date a 23704
tax certificate was sold, the owner of the property for which the 23705
certificate was sold files a petition in bankruptcy, the county 23706
treasurer, upon being notified of the filing of the petition, 23707
shall notify the certificate holder by ordinary first-class or 23708
certified mail or by binary means of the filing of the petition. 23709
~~If the owner of the property files a petition in bankruptcy, the~~ 23710
It is the obligation of the certificate holder to file a proof of 23711
claim with the bankruptcy court to protect the holder's interest 23712
in the certificate parcel. The last day on which the certificate 23713
holder may file a request for foreclosure or the private attorney 23714
may file a notice of intent to foreclose is the later of three 23715
years after the date the certificate was sold or one hundred 23716
eighty days after the ~~bankruptcy case is closed~~ certificate parcel 23717
is no longer property of the bankruptcy estate; however, the 23718
three-year period ~~being~~ measured from the date ~~that~~ the 23719
certificate was sold is tolled while the ~~owner of the property's~~ 23720
~~petition in bankruptcy is being heard and~~ property owner's 23721
bankruptcy case remains open. 23722

(b) With respect to a tax certificate purchased under section 23723
5721.33 of the Revised Code, or under section 5721.42 of the 23724
Revised Code ~~in counties to which~~ by the holder of a certificate 23725
issued under section 5721.33 of the Revised Code ~~applies~~, if, 23726
before ~~the expiration of~~ six years after the date a tax 23727
certificate was sold or before the date negotiated by the county 23728
treasurer, the owner of the property files a petition in 23729
bankruptcy, the county treasurer, upon being notified of the 23730
filing of the petition, shall notify the certificate holder by 23731
ordinary first-class or certified mail or by binary means of the 23732

filing of the petition. ~~If the owner of the property files a~~ 23733
~~petition in bankruptcy, the~~ It is the obligation of the 23734
certificate holder to file a proof of claim with the bankruptcy 23735
court to protect the holder's interest in the certificate parcel. 23736
The last day on which the certificate holder may file a notice of 23737
intent to foreclose is the later of six years after the date ~~that~~ 23738
the tax certificate was sold or the date negotiated by the county 23739
treasurer, or one hundred eighty days after the ~~bankruptcy case is~~ 23740
~~closed~~ certificate parcel is no longer property of the bankruptcy 23741
estate; however, the six-year or negotiated period being measured 23742
after the date ~~that~~ the certificate was sold is tolled while the 23743
~~owner of the property's petition in bankruptcy is being heard and~~ 23744
property owner's bankruptcy case remains open. 23745

(c) Interest at the certificate rate of interest continues to 23746
accrue during any extension of time required by division (A)(3)(a) 23747
or (b) of this section unless otherwise provided under Title 11 of 23748
the United States Code. 23749

(4) If, before the expiration of three years from the date a 23750
tax certificate was sold, the owner of property for which the 23751
certificate was sold applies for an exemption under section 23752
3735.67 or 5715.27 of the Revised Code or under any other section 23753
of the Revised Code under the jurisdiction of the director of 23754
environmental protection, the county treasurer shall notify the 23755
certificate holder by ordinary first-class or certified mail or by 23756
binary means of the filing of the application. Once a 23757
determination has been made on the exemption application, the 23758
county treasurer shall notify the certificate holder of the 23759
determination by ordinary first-class or certified mail or by 23760
binary means. The last day on which the certificate holder may 23761
file a request for foreclosure shall be the later of three years 23762
from the date the certificate was sold or forty-five days after 23763
notice of the determination was ~~mailed~~ provided. 23764

(B) ~~Along with~~ When a request for foreclosure or a notice of intent to foreclose is filed under division (A)(1) ~~or (2)~~ of this section, ~~or a notice of intent to foreclose filed under division (A)(2) of this section and prior to the transfer of title in connection with foreclosure proceedings filed under division (F) of this section,~~ the certificate holder shall submit a payment to the county treasurer equal to the sum of the following:

(1) The certificate redemption prices of all outstanding tax certificates that have been sold on the parcel, other than tax certificates held by the person requesting foreclosure;

(2) Any ~~delinquent~~ taxes, assessments, penalties, interest, and charges ~~that are~~ appearing on the tax duplicate charged against the certificate parcel that is the subject of the foreclosure proceedings and that are not covered by a tax certificate;

(3) If the foreclosure proceedings are filed by the county prosecuting attorney pursuant to section 323.25, 5721.14, or 5721.18 of the Revised Code, a fee in the amount prescribed by the county prosecuting attorney to cover the prosecuting attorney's legal costs incurred in the foreclosure proceeding+;

~~(4) If the foreclosure proceedings are filed by a private attorney on behalf of the certificate holder pursuant to division (F) of this section, any other prior liens.~~

(C)(1) With respect to a certificate purchased under section 5721.32, 5721.33, or 5721.42 of the Revised Code, if the certificate parcel has not been redeemed and at least one certificate respecting the certificate parcel, held by the certificate holder filing the request for foreclosure and eligible to be enforced through a foreclosure proceeding, has not been voided under section 5721.381 of the Revised Code, the county treasurer, within five days after receiving a foreclosure request

~~and the payment required under division (B) of this section, shall~~ 23796
~~inform certify notice to that effect to the county prosecuting~~ 23797
~~attorney that the parcel has not been redeemed~~ and shall provide a 23798
copy of the foreclosure request. The county treasurer also shall 23799
send notice by ordinary first class or certified mail to all 23800
certificate holders other than the certificate holder requesting 23801
foreclosure that foreclosure has been requested by a certificate 23802
holder and that payment for the tax certificates for the 23803
~~certificate parcel may be redeemed~~ is forthcoming. Within ninety 23804
days of receiving the copy of the foreclosure request, the 23805
prosecuting attorney shall commence a foreclosure proceeding in 23806
the name of the county treasurer in the manner provided under 23807
section 323.25, 5721.14, or 5721.18 of the Revised Code, to 23808
~~foreclose~~ enforce the lien vested in the certificate holder by the 23809
certificate. The prosecuting attorney shall attach to the 23810
complaint the foreclosure request and the county treasurer's 23811
written certification ~~that the parcel has not been redeemed.~~ 23812

(2) With respect to a certificate purchased under section 23814
5721.32, 5721.33, or 5721.42 of the Revised Code, if the 23815
certificate parcel has not been redeemed ~~and, at least one~~ 23816
certificate respecting the certificate parcel, held by the 23817
certificate holder filing the notice of intent to foreclose and 23818
eligible to be enforced through a foreclosure proceeding, has not 23819
been voided under section 5721.381 of the Revised Code, a notice 23820
of intent to foreclose has been filed, and the payment required 23821
under division (B) of this section has been made, the county 23822
treasurer shall ~~provide certification~~ certify notice to that 23823
effect to the private attorney ~~that the parcel has not been~~ 23824
~~redeemed~~. The county treasurer also shall send notice by ordinary 23825
first class or certified mail or by binary means to all 23826
certificate holders other than the certificate holder represented 23827
by the attorney that a notice of intent to foreclose has been 23828

filed and that ~~payment for the tax certificates for the~~ 23829
~~certificate parcel may be redeemed~~ is forthcoming. After receipt 23830
of ~~that~~ the treasurer's certification and not later than one 23831
hundred twenty days after the filing of the intent to foreclose or 23832
the number of days specified under the terms of a negotiated sale 23833
under section 5721.33 of the Revised Code, the private attorney 23834
~~may~~ shall commence a foreclosure proceeding in the name of the 23835
certificate holder in the manner provided under division (F) of 23836
this section, ~~to foreclose~~ enforce the lien vested in the 23837
certificate holder by the certificate. The private attorney shall 23838
attach to the complaint the notice of intent to foreclose and the 23839
county treasurer's written certification ~~that the parcel has not~~ 23840
~~been redeemed~~. 23841

(D) The county treasurer shall credit the amount received 23842
under division (B)(1) of this section to the tax certificate 23843
redemption fund. The tax certificates respecting the payment shall 23844
be ~~redeemed~~ paid as provided in division ~~(E)~~(D) of section 5721.38 23845
of the Revised Code. The amount received under division (B)(2) of 23846
this section shall be distributed to the taxing districts to which 23847
the ~~delinquencies~~ delinquent and unpaid amounts are owed. The 23848
county treasurer shall deposit the fee received under division 23849
(B)(3) of this section in the county treasury to the credit of the 23850
delinquent tax and assessment collection fund. ~~The amount received~~ 23851
~~under division (B)(4) of this section shall be distributed to the~~ 23852
~~holder of the prior lien.~~ 23853

(E)(1) If, in the case of a certificate purchased under 23854
section 5721.32 ~~or 5721.42~~ of the Revised Code, or under section 23855
5721.42 of the Revised Code by the holder of a certificate issued 23856
under section 5721.32 of the Revised Code, the certificate holder 23857
does not file with the county treasurer a request for foreclosure 23858
or a notice of intent to foreclose ~~along~~ with the required payment 23859
within three years after the date shown on the tax certificate as 23860

the date the certificate was sold or within the period provided 23861
under division (A)(3)(a) of this section, and during that period 23862
time the certificate has not been voided under section 5721.381 of 23863
the Revised Code and the parcel is has not been redeemed or 23864
foreclosed upon, the certificate holder's lien against the parcel 23865
for the certificate redemption price is canceled, and the 23866
certificate is voided. 23867

(2)(a) If, in the case of a certificate purchased under 23868
section 5721.33 of the Revised Code, or under section 5721.42 of 23869
the Revised Code by the holder of a certificate issued under 23870
section 5721.33 of the Revised Code, the certificate holder does 23871
not file with the county treasurer a request for foreclosure or a 23872
notice of intent to foreclose with respect to a certificate parcel 23873
with the required payment within six years after the date shown on 23874
the tax certificate as the date the certificate was sold or any 23875
extension of that date pursuant to division (C)(2) of section 23876
5721.38 of the Revised Code, or within the period provided under 23877
division (A)(3)(b) of this section or as specified under the terms 23878
of a negotiated sale under section 5721.33 of the Revised Code, 23879
and during that ~~period~~ time the parcel is not redeemed certificate 23880
has not been voided under section 5721.381 of the Revised Code and 23881
the certificate parcel has not been redeemed or foreclosed upon, 23882
the certificate holder's lien against the parcel ~~for the amount of~~ 23883
~~delinquent taxes, assessments, penalties, interest, and charges~~ 23884
~~that make up the certificate purchase price~~ is canceled and the 23885
certificate is voided, subject to division (E)(2)(b) of this 23886
section. 23887

(b) In the case of any tax certificate purchased under 23888
section 5721.33 of the Revised Code prior to October 10, 2000, the 23889
county treasurer, upon application by the certificate holder, may 23890
sell to the certificate holder a new certificate extending the 23891
three-year period prescribed by division (E)(2) of this section, 23892

as that division existed prior to October 10, 2000, to six years 23893
after the date shown on the original certificate as the date it 23894
was sold or any extension of that date. The county treasurer and 23895
the certificate holder shall negotiate the premium, in cash, to be 23896
paid for the new certificate sold under this section. If the 23897
county treasurer and certificate holder do not negotiate a 23898
mutually acceptable premium, the county treasurer and certificate 23899
holder may agree to engage a person experienced in the valuation 23900
of financial assets to appraise a fair premium for the new 23901
certificate. The certificate holder has the option to purchase the 23902
new certificate for the fair premium so appraised. Not less than 23903
one-half of the fee of the person so engaged shall be paid by the 23904
certificate holder requesting the new certificate; the remainder 23905
of the fee shall be paid from the proceeds of the sale of the new 23906
certificate. If the certificate holder does not purchase the new 23907
certificate for the premium so appraised, the certificate holder 23908
shall pay the entire fee. The county treasurer shall credit the 23909
remaining proceeds from the sale to the items of taxes, 23910
assessments, penalties, interest, and charges in the order in 23911
which they became due. 23912

A certificate issued under this division vests in the 23913
certificate holder and its secured party, if any, the same rights, 23914
interests, privileges, and immunities as are vested by the 23915
original certificate under sections 5721.30 to 5721.43 of the 23916
Revised Code, except that interest payable under division (B) of 23917
section 5721.38 or division ~~(B)~~(D)(2) of section 5721.39 of the 23918
Revised Code shall be subject to the amendments to those divisions 23919
by Sub. H.B. 533 of the 123rd general assembly. The certificate 23920
shall be issued in the same form as the form prescribed for the 23921
original certificate issued except for any modifications 23922
necessary, in the county treasurer's discretion, to reflect the 23923
extension under this division of the certificate holder's lien to 23924
six years after the date shown on the original certificate as the 23925

date it was sold or any extension of that date. The certificate 23926
holder may record a certificate issued under division (E)(2)(b) of 23927
this section or memorandum thereof as provided in division (B) of 23928
section 5721.35 of the Revised Code, and the county recorder shall 23929
index the certificate and record any subsequent cancellation of 23930
the lien as provided in that section. The sale of a certificate 23931
extending the lien under division (E)(2)(b) of this section does 23932
not impair the right of redemption of the owner of record of the 23933
certificate parcel or of any other person entitled to redeem the 23934
property. 23935

(3) If the holder of a certificate purchased under section 23936
5721.32, 5721.33, or 5721.42 of the Revised Code submits a notice 23937
of intent to foreclose to the county treasurer but fails to file a 23938
foreclosure action in a court of competent jurisdiction within the 23939
time specified in division (C)(2) of this section, the liens 23940
represented by all tax certificates respecting the certificate 23941
parcel held by that certificate holder, and for which the deadline 23942
for filing a notice of intent to foreclose has passed, are 23943
canceled and the certificates voided, and the certificate holder 23944
forfeits the payment of the amounts described in division (B)(2) 23945
of this section. 23946

(F) With respect to tax certificates purchased under section 23947
5721.32, 5721.33, or 5721.42 of the Revised Code, upon the 23948
delivery to the ~~certificate holder~~ private attorney by the county 23949
treasurer of the certification provided for under division (C)(2) 23950
of this section, a the private attorney ~~may~~ shall institute a 23951
foreclosure proceeding under this division in the name of the 23952
certificate holder to ~~foreclose such~~ enforce the holder's lien, in 23953
any court with jurisdiction, unless the certificate redemption 23954
price is paid prior to the time a complaint is filed. The attorney 23955
shall prosecute the proceeding to final judgment and satisfaction, 23956
whether through sale of the property or the vesting of title and 23957

possession in the certificate holder. 23958

The foreclosure proceedings under this division, except as 23959
otherwise provided in this division, shall be instituted and 23960
prosecuted in the same manner as is provided by law for the 23961
foreclosure of mortgages on land, except that, if service by 23962
publication is necessary, such publication shall be made once a 23963
week for three consecutive weeks and the service shall be complete 23964
at the expiration of three weeks after the date of the first 23965
publication. 23966

Any notice given under this division shall include the name 23967
of the owner of the parcel as last set forth in the records of the 23968
county recorder, the owner's last known mailing address, the 23969
address of the subject parcel if different from that of the owner, 23970
and a complete legal description of the subject parcel. In any 23971
county that has adopted a permanent parcel number system, such 23972
notice may include the permanent parcel number in addition to a 23973
complete legal description. 23974

It is sufficient, having been made a proper party to the 23975
foreclosure proceeding, for the certificate holder to allege in 23976
such holder's complaint that the tax certificate has been duly 23977
purchased by the certificate holder, that the certificate 23978
redemption price ~~appearing to be due and unpaid~~ is due and unpaid, 23979
and that there is a lien against the property described in the tax 23980
certificate, without setting forth in such holder's complaint any 23981
other special matter relating to the foreclosure proceeding. The 23982
~~prayer of the complaint shall be that the court issue an order~~ 23983
~~that the property be sold by the sheriff or, if the action is in~~ 23984
~~the municipal court, by the bailiff, complaint shall pray for an~~ 23985
~~order directing the sheriff, or the bailiff if the complaint is~~ 23986
~~filed in municipal court, to offer the property for sale in the~~ 23987
manner provided in section 5721.19 of the Revised Code, unless the 23988
complaint ~~includes an appraisal by an independent appraiser~~ 23989

~~acceptable to documents that the court county auditor has~~ 23990
~~determined~~ that the true value of the certificate parcel is less 23991
than the certificate purchase price. In that case, the prayer of 23992
the complaint shall ~~be request~~ that fee simple title to the 23993
property be transferred to and vested in the certificate holder 23994
free and clear of all subordinate liens. 23995

In the foreclosure proceeding, the certificate holder may 23996
join in one action any number of tax certificates relating to the 23997
same owner, ~~provided that all parties on each of the tax~~ 23998
~~certificates are identical as to name and priority of interest.~~ 23999
However, the decree for each tax certificate shall be rendered 24000
separately and any proceeding may be severed, in the discretion of 24001
the court, for the purpose of trial or appeal. ~~The~~ Upon 24002
confirmation of sale, the court shall order payment of all costs 24003
related directly or indirectly to ~~the redemption of~~ the tax 24004
certificate, including, without limitation, attorney's fees of the 24005
holder's attorney, ~~as is considered proper~~ in accordance with 24006
section 5721.371 of the Revised Code. The tax certificate 24007
purchased by the certificate holder is presumptive evidence in all 24008
courts and in all proceedings, including, without limitation, at 24009
the trial of the foreclosure action, of the amount and validity of 24010
the taxes, assessments, charges, penalties by the court and added 24011
to such principal amount, and interest appearing due and unpaid 24012
and of their nonpayment. 24013

(G) ~~For the purposes of this section, "prior liens" means~~ 24014
~~liens that are prior in right to the lien with respect to the tax~~ 24015
~~certificate that is the subject of the foreclosure proceedings.~~ 24016

~~(H)~~ If a parcel is sold under this section, the officer who 24017
conducted the sale shall collect the recording fee from the 24018
purchaser at the time of the sale and, following confirmation of 24019
the sale, shall prepare and record the deed conveying the title to 24020
the parcel to the purchaser. 24021

<u>Sec. 5721.371. Private attorney's fees payable with respect</u>	24022
<u>to an action under sections 5721.30 to 5721.46 of the Revised Code</u>	24023
<u>are subject to the following conditions:</u>	24024
<u>(A) The fees must be reasonable.</u>	24025
<u>(B) Fees exceeding two thousand five hundred dollars shall be</u>	24026
<u>paid only if authorized by a court order.</u>	24027
<u>(C) The terms of a sale negotiated under section 5721.33 of</u>	24028
<u>the Revised Code may include the amount to be paid in private</u>	24029
<u>attorney's fees, subject to division (B) of this section.</u>	24030
Sec. 5721.38. (A) At any time prior to payment to the county	24031
treasurer by the certificate holder to initiate foreclosure	24032
proceedings under division (B) of section 5721.37 of the Revised	24033
Code, the owner of record of the certificate parcel, or any other	24034
person entitled to redeem that parcel, may redeem the parcel by	24035
paying to the county treasurer an amount equal to the total of the	24036
certificate redemption prices of all tax certificates respecting	24037
that parcel.	24038
(B) At any time after payment to the county treasurer by the	24039
certificate holder to initiate foreclosure proceedings under	24040
section 5721.37 of the Revised Code and prior to the filing of the	24041
entry of confirmation of sale of a certificate parcel under	24042
foreclosure proceedings filed by the county prosecuting attorney	24043
or prior to the decree conveying title to the certificate holder	24044
as provided for in division (F) of section 5721.37 of the Revised	24045
Code, the owner of record of the certificate parcel or any other	24046
person entitled to redeem that parcel may redeem the parcel by	24047
paying to the county treasurer the sum of the following amounts:	24048
(1) The amount described in division (A) of this section;	24049
(2) Interest on the certificate purchase price for each tax	24050
certificate sold respecting the parcel at the rate of eighteen per	24051

cent per year for the period beginning on the day on which the 24052
payment was submitted by the certificate holder and ending on the 24053
day the parcel is redeemed under this division, ~~except that such~~ 24054
~~interest shall not accrue for more than three years after the day~~ 24055
~~the certificate was purchased if the certificate holder did not~~ 24056
~~submit payment under division (B) of section 5721.37 of the~~ 24057
~~Revised Code before the end of that three-year period;~~ 24058

(3) An amount equal to the sum of the county prosecuting 24059
attorney's fee under division (B)(3) of section 5721.37 of the 24060
Revised Code ~~if the tax certificate was purchased under section~~ 24061
~~5721.32 or 5721.42 of the Revised Code~~ plus interest on that 24062
amount at the rate of eighteen per cent per year beginning on the 24063
day on which the payment was submitted by the certificate holder 24064
and ending on the day the parcel is redeemed under this division. 24065
If the parcel is redeemed before the complaint has been filed, the 24066
prosecuting attorney shall adjust the fee to reflect services 24067
performed to the date of redemption, and the county treasurer 24068
shall calculate the interest based on the adjusted fee and refund 24069
any excess fee to the certificate holder. 24070

(4) Reasonable attorney's fees in accordance with section 24071
5721.371 of the Revised Code if the certificate holder retained a 24072
private attorney to foreclose the lien; 24073

(5) Any other costs and fees of the proceeding allocable to 24074
the certificate parcel as determined by the court. ~~Upon~~ 24075

The county treasurer may collect the total amount due under 24076
divisions (B)(1) to (5) of this section in the form of guaranteed 24077
funds acceptable to the treasurer. Immediately upon receipt of 24078
such payments, the county treasurer shall ~~refund the payment made~~ 24079
~~by~~ reimburse the certificate holder ~~to initiate~~ who initiated 24080
foreclosure proceedings as provided in division (D) of this 24081
section. The county treasurer shall pay the certificate holder 24082
interest at the rate of eighteen per cent per year on amounts paid 24083

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. 24084
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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. 24088
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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 the date the decree is rendered on the foreclosure proceeding under division (F) of section 5721.37 of the Revised Code, the owner of record of the certificate parcel, or any other person entitled to redeem that parcel, may enter into a redemption payment plan with the certificate holder and all secured parties of the certificate holder. The plan shall require the owner or other person to pay the certificate redemption price for the tax certificate, an administrative fee not to exceed one hundred dollars per year, and the actual fees and costs incurred, in installments, with the final installment due no later than ~~three~~ six years after the date the tax certificate is sold. The certificate holder shall give written notice of the plan to the 24102
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applicable county treasurer within sixty days after entering into 24116
the plan and written notice of default under the plan within 24117
ninety days after the default. If such a plan is entered into, the 24118
time period for filing a request for foreclosure or a notice of 24119
intent to foreclose under section 5721.37 of the Revised Code is 24120
extended by the length of time the plan is in effect and not in 24121
default. 24122

(D)(1) Immediately upon receipt of full payment under 24123
division (A) or (B) of this section, the county treasurer shall 24124
make an entry to that effect in the tax certificate register, 24125
credit the payment to the tax certificate redemption fund created 24126
in the county treasury, and shall notify each the certificate 24127
holder or holders by ordinary first class or certified mail, 24128
~~return receipt requested, or by binary means~~ that the parcel has 24129
been redeemed and the lien or liens canceled, and that ~~the tax~~ 24130
~~certificates may be redeemed. The county treasurer shall deposit~~ 24131
~~into the tax certificate redemption fund created in the county~~ 24132
~~treasury an amount equal to the total of the certificate~~ 24133
~~redemption prices, together with interest on the certificate~~ 24134
~~purchase price for each tax certificate sold respecting the parcel~~ 24135
~~at the rate of eighteen per cent per year paid under division (B)~~ 24136
~~of this section for the period beginning when the payment was~~ 24137
~~submitted by the certificate holder under division (B) of section~~ 24138
~~5721.37 of the Revised Code and ending when the parcel was~~ 24139
~~redeemed. The payment on the certificate or certificates is~~ 24140
forthcoming. The treasurer shall pay the tax certificate holder or 24141
holders promptly. 24142

The county treasurer shall administer the tax certificate 24143
redemption fund for the purpose of redeeming tax certificates. 24144
Interest earned on the fund shall be credited to the county 24145
general fund. 24146

(2) If a redemption payment plan is entered into pursuant to 24147

division (C)(1) of this section, the county treasurer immediately 24148
shall notify each certificate holder by ordinary first class or 24149
certified mail, ~~return receipt requested,~~ or by binary means of 24150
the terms of the plan. Installment payments made pursuant to the 24151
plan shall be deposited in the tax certificate redemption fund. 24152
Any overpayment of the installments shall be refunded to the 24153
person responsible for causing the overpayment if the person 24154
applies for a refund under this section. If the person responsible 24155
for causing the overpayment fails to apply for a refund under this 24156
section within five years from the date the plan is satisfied, an 24157
amount equal to the overpayment shall be deposited into the 24158
general fund of the county. 24159

Upon satisfaction of the plan, the county treasurer shall 24160
indicate in the tax certificate register that the plan has been 24161
satisfied, and shall notify each certificate holder by ordinary 24162
first class or certified mail, ~~return receipt requested,~~ or by 24163
binary means that the plan has been satisfied and that ~~tax~~ 24164
~~certificates may be redeemed~~ payment on the certificate or 24165
certificates is forthcoming. The treasurer shall pay each 24166
certificate holder promptly. 24167

If a redemption payment plan becomes void, the county 24168
treasurer ~~immediately~~ shall notify each certificate holder by 24169
ordinary first class or certified mail, ~~return receipt requested~~ 24170
or by binary means. If a certificate holder files a request for 24171
foreclosure under section 5721.37 of the Revised Code, upon the 24172
filing of the request for foreclosure, any money paid under the 24173
plan shall be refunded to the person that paid the money under the 24174
plan. 24175

~~(E) To redeem a tax certificate with respect to which payment~~ 24176
~~has been made in full under division (A), (B), or (C)(1) of this~~ 24177
~~section or division (B)(1) of section 5721.37 of the Revised Code,~~ 24178
~~the certificate holder shall present the tax certificate to the~~ 24179

~~county treasurer, who shall prepare the redemption information. 24180
Upon presentation, the county auditor shall draw a warrant on the 24181
tax certificate redemption fund in the amount of the certificate 24182
redemption price and any applicable interest payable at the rate 24183
of eighteen per cent annually on the certificate under division 24184
(B) of this section. For a parcel that was redeemed under division 24185
(B) of this section, the certificate holder who paid the amounts 24186
under division (B) of section 5721.37 of the Revised Code shall be 24187
reimbursed for those amounts, together with interest at the rate 24188
of eighteen per cent per year on the amount paid under division 24189
(B)(1) of that section for the period beginning when the payment 24190
was submitted by the certificate holder under division (B) of that 24191
section and ending when the parcel was redeemed. The treasurer 24192
shall mark all copies of the tax certificate "redeemed" and return 24193
the certificate to the certificate holder. The canceled 24194
certificate shall serve as a receipt evidencing redemption of the 24195
tax certificate. If a certificate holder fails to redeem a tax 24196
certificate within five years after notice is served under 24197
division (D) of this section that tax certificates may be 24198
redeemed, an amount equal to the certificate redemption price and 24199
any applicable interest payable at the rate of eighteen per cent 24200
annually on the certificate under division (B) of this section 24201
shall be deposited into the general fund of the county. 24202~~

(3) Upon receipt of the payment required under division 24204
(B)(1) of section 5721.37 of the Revised Code, the treasurer shall 24205
pay all other certificate holders and indicate in the tax 24206
certificate register that such certificates have been satisfied. 24207

Sec. 5721.381. (A) At any time prior to payment to the county 24208
treasurer by a certificate holder to initiate foreclosure 24209
proceedings under division (B) of section 5721.37 of the Revised 24210
Code, the owner of record of the certificate parcel or any other 24211

person entitled to redeem that parcel may pay the county treasurer 24212
the certificate redemption price for the tax certificate with the 24213
oldest lien against the parcel. Such a payment cancels that lien 24214
and voids the certificate. Upon receipt of the payment, the county 24215
treasurer shall make an entry to that effect in the tax 24216
certificate register, shall deposit the payment to the credit of 24217
the tax certificate redemption fund, and shall notify the 24218
certificate holder by ordinary first class or certified mail or by 24219
binary means that the lien has been canceled and that payment on 24220
the certificate is forthcoming. The treasurer shall pay the holder 24221
of that certificate promptly. 24222

(B) A person who makes a payment to the county treasurer 24223
under division (A) of this section for the tax certificate with 24224
the oldest lien may make additional payments under that division 24225
for other tax certificates related to the parcel, in priority 24226
order based on the earliest date of attachment of the liens. 24227

(C) A property owner or other person shall make, and the 24228
county treasurer shall accept and apply, payments under this 24229
section only in priority order based on the earliest date of 24230
attachment of the liens. 24231

Sec. 5721.39. (A) In its judgment of foreclosure rendered 24232
with respect to in actions filed pursuant to section 5721.37 of 24233
the Revised Code, the court shall enter a finding that includes 24234
all of the following with respect to the certificate parcel of 24235
the: 24236

(1) The amount of the sum of the certificate redemption 24237
prices respecting for all the tax certificates sold against the 24238
parcel; interest 24239

(2) Interest on the certificate purchase prices of these all 24240
certificates at the rate of eighteen per cent per year for the 24241
period beginning on the day on which the payment was submitted by 24242

the certificate holder under division (B) of section 5721.37 of 24243
the Revised Code; 24244

(3) The amount paid under division (B)(2) of section 5721.37 24245
of the Revised Code, plus interest at the rate of eighteen per 24246
cent per year for the period beginning on the day the certificate 24247
holder filed a request for foreclosure or a notice of intent to 24248
foreclose under division (A) of that section; ~~any~~ 24249

(4) Any delinquent taxes, ~~assessments, penalties, interest,~~ 24250
~~and charges~~ on the parcel that are not covered by a ~~tax~~ 24251
eertificate payment under division (B)(2) of section 5721.37 of 24252
the Revised Code; ~~and fees~~ 24253

(5) Fees and costs incurred in the foreclosure proceeding 24254
instituted against the parcel, including, without limitation, the 24255
fees and costs of the prosecuting attorney represented by the fee 24256
paid under division (B)(3) of section 5721.37 of the Revised Code, 24257
plus interest as provided in division (D)(2)(d) of this section, 24258
or the fees and costs of the private attorney representing the 24259
certificate holder, and charges paid or incurred in procuring 24260
title searches and abstracting services relative to the subject 24261
premises. ~~The~~ 24262

(B) The court may order the certificate parcel to be sold, 24263
without appraisal and as set forth in the prayer of the complaint, 24264
for not less than the amount of its finding, or, in the event ~~that~~ 24265
~~the court finds~~ that the true value of the certificate parcel as 24266
determined by the county auditor is less than the certificate 24267
~~purchase~~ redemption price, the court may, as prayed for in the 24268
complaint, issue a decree transferring fee simple title free and 24269
clear of all subordinate liens to the certificate holder. A decree 24270
of the court transferring fee simple title to the certificate 24271
holder is forever a bar to all rights of redemption with respect 24272
to the certificate parcel. 24273

(C) Each certificate parcel shall be advertised and sold by the officer to whom the order of sale is directed in the manner provided by law for the sale of real property on execution. The advertisement for sale of certificate parcels shall be published once a week for three consecutive weeks and shall include the date on which a second sale will be conducted if no bid is accepted at the first sale. Any number of parcels may be included in one advertisement.

Whenever the officer charged to conduct the sale offers a certificate parcel for sale and no bids are made equal to at least the amount of the court's finding, the officer shall adjourn the sale of the parcel to the second date that was specified in the advertisement of sale. The second sale shall be held at the same place and commence at the same time as set forth in the advertisement of sale. The officer shall offer any parcel not sold at the first sale. Upon the conclusion of any sale, or if any parcel remains unsold after being offered at two sales, the officer conducting the sale shall report the results to the court.

(D) Upon the confirmation of a sale, the proceeds of the sale shall be applied as follows:

~~(A)(1)~~ The fees and costs incurred in the proceeding filed against the parcel pursuant to section 5721.37 of the Revised Code, not including shall be paid first, including attorney's fees of the certificate holder's attorney payable under division (F) of that section, or the county prosecutor's costs covered by the fee paid by the certificate holder under division (B)(3) of that section, ~~shall be paid first.~~

~~(B)(2)~~ Following the payment required by division ~~(A)(D)(1)~~ of this section, the certificate holder that ~~requested the foreclosure~~ filed the notice of intent to foreclose or request for foreclosure with the county treasurer shall be paid the sum of the following amounts:

~~(1)(a)~~ The sum of the amount found due for the certificate 24306
redemption prices of all the tax certificates, ~~other than those~~ 24307
~~certificates described in division (B)(1) of section 5721.37 of~~ 24308
~~the Revised Code,~~ that are sold against the parcel ~~to the~~ 24309
~~certificate holder requesting a notice of foreclosure;~~ 24310

~~(2)(b)~~ Any premium paid by the certificate holder at the time 24311
of purchase; 24312

~~(3)(c)~~ Interest on the amounts paid by the certificate holder 24313
under division (B)(1) of section 5721.37 of the Revised Code at 24314
the rate of eighteen per cent per year beginning on the day on 24315
which the payment was submitted by the certificate holder to the 24316
county treasurer and ending on the day immediately preceding the 24317
day on which the proceeds of the foreclosure sale are paid to the 24318
certificate holder; 24319

~~(4)(d)~~ Interest on the amounts paid by the certificate holder 24320
under divisions (B)(2) and (3) of section 5721.37 of the Revised 24321
Code at the rate of eighteen per cent per year beginning on the 24322
day on which the payment was submitted by the certificate holder 24323
under divisions (B)(2) and (3) of that section ~~5721.37 of the~~ 24324
~~Revised Code~~ and ending on the day immediately preceding the day 24325
on which the proceeds of the foreclosure sale are paid to the 24326
certificate holder pursuant to this section, except that such 24327
interest shall not accrue for more than three years if the 24328
certificate was sold under section 5721.32 of the Revised Code, or 24329
under section 5721.42 of the Revised Code by the holder of a 24330
certificate issued under section 5721.32 of the Revised Code, or 24331
more than six years if the certificate was sold under section 24332
5721.33 of the Revised Code, or under section 5721.42 of the 24333
Revised Code by the holder of a certificate issued under section 24334
5721.33 of the Revised Code, after the day the amounts were paid 24335
by the certificate holder under divisions (B)(2) and (3) of 24336
section 5721.37 of the Revised Code ~~if the certificate holder did~~ 24337

~~not submit that payment before the end of that six year period;~~ 24338

~~(5)(e)~~ The amounts paid by the certificate holder under 24339
divisions (B)(1), (2), and (3) of section 5721.37 of the Revised 24340
Code. 24341

~~(C)(3)~~ Following the payment required by division ~~(B)(D)(2)~~ 24342
of this section, any amount due for taxes, assessments, charges, 24343
penalties, and interest not covered by the tax certificate 24344
holder's payment under division (B)(2) of section 5721.37 of the 24345
Revised Code shall be paid, including all taxes, assessments, 24346
charges, penalties, and interest payable subsequent to the entry 24347
of the finding and prior to the transfer of the deed of the parcel 24348
to the purchaser following confirmation of sale. If the proceeds 24349
available for distribution pursuant to this division are 24350
insufficient to pay the entire amount of those taxes, assessments, 24351
charges, penalties, and interest, the proceeds shall be paid to 24352
each claimant in proportion to the amount of those taxes, 24353
assessments, charges, penalties, and interest that each is due, 24354
and those taxes, assessments, charges, penalties, and interest are 24355
deemed satisfied and shall be removed from the tax list and 24356
duplicate. 24357

(4) Any residue of money from proceeds of the sale shall be 24358
disposed of as prescribed by section 5721.20 of the Revised Code. 24359

(E) Unless the parcel previously was redeemed pursuant to 24360
section 5721.25 or 5721.38 of the Revised Code, upon the filing of 24361
the entry of confirmation of sale, the title to the parcel is 24362
incontestable in the purchaser and is free and clear of all liens 24363
and encumbrances, except a federal tax lien, notice of which lien 24364
is properly filed in accordance with section 317.09 of the Revised 24365
Code prior to the date that a foreclosure proceeding is instituted 24366
pursuant to section 5721.37 of the Revised Code, and which lien 24367
was foreclosed in accordance with 28 U.S.C.A. 2410(c), and except 24368
for the easements and covenants of record running with the land or 24369

lots that were created prior to the time the taxes or assessments, 24370
for the nonpayment of which a tax certificate was issued and the 24371
parcel sold at foreclosure, became due and payable. 24372

The title shall not be invalid because of any irregularity, 24373
informality, or omission of any proceedings under this chapter or 24374
in any processes of taxation, if such irregularity, informality, 24375
or omission does not abrogate the provision for notice to holders 24376
of title, lien, or mortgage to, or other interests in, such 24377
foreclosed parcels, as prescribed in this chapter. 24378

Sec. 5721.40. If any tax certificate parcel is twice offered 24379
for sale pursuant to section 5721.39 of the Revised Code and 24380
remains unsold for want of bidders, the officer who conducted the 24381
sales shall certify to the court that the parcel remains unsold 24382
after two sales. The court, by entry, shall order the parcel 24383
forfeited to the certificate holder who filed the request for 24384
foreclosure or notice of intent to foreclose under section 5721.37 24385
of the Revised Code. The clerk of the court shall certify copies 24386
of the court's order to the county treasurer. The county treasurer 24387
shall notify the certificate holder by ordinary and certified 24388
mail, return receipt requested, that the parcel remains unsold, 24389
and shall instruct the certificate holder of the manner in which 24390
the holder shall obtain the deed to the parcel. The officer who 24391
conducted the sales shall prepare and record the deed conveying 24392
title to the parcel to the certificate holder. 24393

Upon transfer of the deed to the certificate holder under 24394
this section, all right, title, claim, and interest in the 24395
certificate parcel are transferred to and vested in the 24396
certificate holder. The title to the parcel is incontestable in 24397
the certificate holder and is free and clear of all liens and 24398
encumbrances, except the following: 24399

(A) A federal tax lien, notice of which was properly filed in 24400

accordance with section 317.09 of the Revised Code prior to the 24401
date that the foreclosure proceeding was instituted under section 24402
5721.37 of the Revised Code and which was foreclosed in accordance 24403
with 28 U.S.C. 2410(c); 24404

(B) Easements and covenants of record running with the land 24405
that were created prior to the time the taxes or assessments, for 24406
the nonpayment of which a tax certificate was issued, became due 24407
and payable. 24408

Sec. 5721.41. ~~Interest~~ All interest required under sections 24409
5721.30 to 5721.43 of the Revised Code is simple interest, to be 24410
calculated on a principal amount and not compounded on earned 24411
interest. The interest charged shall equal one-twelfth of the 24412
annual interest rate multiplied by the principal amount. Interest 24413
charges under those sections shall accrue on a monthly basis, on 24414
the first day of the month following the beginning of the period 24415
during which interest accrues and on the first day of each 24416
subsequent month. Notwithstanding the preceding sentence, the six 24417
per cent charge described in division (E)(1)(b) of section 5721.30 24418
of the Revised Code shall apply even if the tax certificate is 24419
redeemed before the first day of the month following the date that 24420
the certificate is purchased. 24421

Sec. 5721.42. ~~Not less than sixty nor more than ninety days~~ 24422
~~following the date set by~~ After the settlement required under 24423
division (C) of section ~~323.12 or 323.17~~ 321.24 of the Revised 24424
Code ~~for the payment of the second installment of current taxes,~~ 24425
the county treasurer shall notify the certificate holder of the 24426
most recently issued tax certificate, by ordinary first class or 24427
certified mail or by binary means, that the certificate holder may 24428
pay purchase a subsequent tax certificate by paying all delinquent 24429
taxes, assessments, penalties, interest, and charges on the 24430
related certificate parcel, the lien against which has not been 24431

transferred by the sale of a tax certificate. During the thirty 24432
days after receiving the notice, the certificate holder possesses 24433
the exclusive right to purchase the subsequent tax certificate by 24434
paying those amounts to the county treasurer. The amount of the 24435
payment shall constitute a separate lien against the certificate 24436
parcel that shall be evidenced by the issuance by the treasurer to 24437
the certificate holder of an additional tax certificate with 24438
respect to the delinquent taxes, ~~assessments, penalties, interest,~~ 24439
~~and fees~~ so paid on the related certificate parcel. The amount of 24440
the payment as set forth in the tax certificate shall earn 24441
interest at the rate of eighteen per cent per year. 24442

24443

Sec. 5721.43. (A) ~~No~~ Without the prior written consent of the 24444
county treasurer, no person shall directly, through an agent, or 24445
otherwise, initiate contact with the owner of a parcel with 24446
respect to which the person holds a tax certificate to encourage 24447
or demand payment before one year has elapsed following the 24448
purchase of the certificate. 24449

(B) A county treasurer may bar any person who violates 24450
division (A) of this section from bidding at a tax certificate 24451
sale conducted by the treasurer. 24452

(C)(1) The attorney general or county prosecuting attorney, 24453
upon written request of a county treasurer, shall bring an action 24454
for an injunction against any person who has violated, is 24455
violating, or is threatening to violate division (A) of this 24456
section. 24457

(2) Any person who violates division (A) of this section 24458
shall be assessed a civil penalty of not more than five thousand 24459
dollars for each offense to be paid into the state treasury to the 24460
credit of the general revenue fund. Upon written request of a 24461
county treasurer, the attorney general or county prosecuting 24462

attorney shall commence an action against any such violator. Any 24463
action under this division is a civil action, governed by the 24464
Rules of Civil Procedure and other rules of practice and procedure 24465
applicable to civil actions. 24466

Sec. 5727.84. (A) As used in this section and sections 24467
5727.85, 5727.86, and 5727.87 of the Revised Code: 24468

(1) "School district" means a city, local, or exempted 24469
village school district. 24470

(2) "Joint vocational school district" means a joint 24471
vocational school district created under section 3311.16 of the 24472
Revised Code, and includes a cooperative education school district 24473
created under section 3311.52 or 3311.521 of the Revised Code and 24474
a county school financing district created under section 3311.50 24475
of the Revised Code. 24476

(3) "Local taxing unit" means a subdivision or taxing unit, 24477
as defined in section 5705.01 of the Revised Code, a park district 24478
created under Chapter 1545. of the Revised Code, or a township 24479
park district established under section 511.23 of the Revised 24480
Code, but excludes school districts and joint vocational school 24481
districts. 24482

(4) "State education aid," for a school district, means the 24483
sum of state aid amounts computed for the district under divisions 24484
(A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; 24485
divisions (B), (C), and (D) of section 3317.023; divisions (G), 24486
(L), and (N) of section 3317.024; and sections 3317.029, 24487
3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of 24488
the Revised Code; and the adjustments required by: division (C) of 24489
section 3310.08; division (C)(2) of section 3310.41; division (C) 24490
of section 3314.08; division (D)(2) of section 3314.091; division 24491
(D) of section 3314.13; divisions (E), (K), (L), (M), and (N), ~~and~~ 24492
~~(O)~~ of section 3317.023; division (C) of section 3317.20; and 24493

sections 3313.979 and 3313.981 of the Revised Code. However, when
calculating state education aid for a school district for fiscal
years 2008 and 2009, include the amount computed for the district
under Section 269.20.80 of H.B. 119 of the 127th general assembly,
as subsequently amended, instead of division (D) of section
3317.022 of the Revised Code; include amounts calculated under
Section 269.30.80 of this act, as subsequently amended; and
account for adjustments under division (C)(2) of section 3310.41
of the Revised Code.

(5) "State education aid," for a joint vocational school
district, means the sum of the state aid amounts computed for the
district under division (N) of section 3317.024 and section
3317.16 of the Revised Code. However, when calculating state
education aid for a joint vocational school district for fiscal
years 2008 and 2009, include the amount computed for the district
under Section 269.30.90 of H.B. 119 of the 127th general assembly,
as subsequently amended.

(6) "State education aid offset" means the amount determined
for each school district or joint vocational school district under
division (A)(1) of section 5727.85 of the Revised Code.

(7) "Recognized valuation" has the same meaning as in section
3317.02 of the Revised Code.

(8) "Electric company tax value loss" means the amount
determined under division (D) of this section.

(9) "Natural gas company tax value loss" means the amount
determined under division (E) of this section.

(10) "Tax value loss" means the sum of the electric company
tax value loss and the natural gas company tax value loss.

(11) "Fixed-rate levy" means any tax levied on property other
than a fixed-sum levy.

(12) "Fixed-rate levy loss" means the amount determined under 24525
division (G) of this section. 24526

(13) "Fixed-sum levy" means a tax levied on property at 24527
whatever rate is required to produce a specified amount of tax 24528
money or levied in excess of the ten-mill limitation to pay debt 24529
charges, and includes school district emergency levies imposed 24530
pursuant to section 5705.194 of the Revised Code. 24531

(14) "Fixed-sum levy loss" means the amount determined under 24532
division (H) of this section. 24533

(15) "Consumer price index" means the consumer price index 24534
(all items, all urban consumers) prepared by the bureau of labor 24535
statistics of the United States department of labor. 24536

(B) The kilowatt-hour tax receipts fund is hereby created in 24537
the state treasury and shall consist of money arising from the tax 24538
imposed by section 5727.81 of the Revised Code. All money in the 24539
kilowatt-hour tax receipts fund shall be credited as follows: 24540

(1) Sixty-three per cent shall be credited to the general 24541
revenue fund. 24542

(2) Twenty-five and four-tenths per cent shall be credited to 24543
the school district property tax replacement fund, which is hereby 24544
created in the state treasury for the purpose of making the 24545
payments described in section 5727.85 of the Revised Code. 24546

(3) Eleven and six-tenths per cent shall be credited to the 24547
local government property tax replacement fund, which is hereby 24548
created in the state treasury for the purpose of making the 24549
payments described in section 5727.86 of the Revised Code. 24550

(C) The natural gas tax receipts fund is hereby created in 24551
the state treasury and shall consist of money arising from the tax 24552
imposed by section 5727.811 of the Revised Code. All money in the 24553
fund shall be credited as follows: 24554

(1) Sixty-eight and seven-tenths per cent shall be credited 24555
to the school district property tax replacement fund for the 24556
purpose of making the payments described in section 5727.85 of the 24557
Revised Code. 24558

(2) Thirty-one and three-tenths per cent shall be credited to 24559
the local government property tax replacement fund for the purpose 24560
of making the payments described in section 5727.86 of the Revised 24561
Code. 24562

(D) Not later than January 1, 2002, the tax commissioner 24563
shall determine for each taxing district its electric company tax 24564
value loss, which is the sum of the applicable amounts described 24565
in divisions (D)(1) to (4) of this section: 24566

(1) The difference obtained by subtracting the amount 24567
described in division (D)(1)(b) from the amount described in 24568
division (D)(1)(a) of this section. 24569

(a) The value of electric company and rural electric company 24570
tangible personal property as assessed by the tax commissioner for 24571
tax year 1998 on a preliminary assessment, or an amended 24572
preliminary assessment if issued prior to March 1, 1999, and as 24573
apportioned to the taxing district for tax year 1998; 24574

(b) The value of electric company and rural electric company 24575
tangible personal property as assessed by the tax commissioner for 24576
tax year 1998 had the property been apportioned to the taxing 24577
district for tax year 2001, and assessed at the rates in effect 24578
for tax year 2001. 24579

(2) The difference obtained by subtracting the amount 24580
described in division (D)(2)(b) from the amount described in 24581
division (D)(2)(a) of this section. 24582

(a) The three-year average for tax years 1996, 1997, and 1998 24583
of the assessed value from nuclear fuel materials and assemblies 24584
assessed against a person under Chapter 5711. of the Revised Code 24585

from the leasing of them to an electric company for those 24586
respective tax years, as reflected in the preliminary assessments; 24587

(b) The three-year average assessed value from nuclear fuel 24588
materials and assemblies assessed under division (D)(2)(a) of this 24589
section for tax years 1996, 1997, and 1998, as reflected in the 24590
preliminary assessments, using an assessment rate of twenty-five 24591
per cent. 24592

(3) In the case of a taxing district having a nuclear power 24593
plant within its territory, any amount, resulting in an electric 24594
company tax value loss, obtained by subtracting the amount 24595
described in division (D)(1) of this section from the difference 24596
obtained by subtracting the amount described in division (D)(3)(b) 24597
of this section from the amount described in division (D)(3)(a) of 24598
this section. 24599

(a) The value of electric company tangible personal property 24600
as assessed by the tax commissioner for tax year 2000 on a 24601
preliminary assessment, or an amended preliminary assessment if 24602
issued prior to March 1, 2001, and as apportioned to the taxing 24603
district for tax year 2000; 24604

(b) The value of electric company tangible personal property 24605
as assessed by the tax commissioner for tax year 2001 on a 24606
preliminary assessment, or an amended preliminary assessment if 24607
issued prior to March 1, 2002, and as apportioned to the taxing 24608
district for tax year 2001. 24609

(4) In the case of a taxing district having a nuclear power 24610
plant within its territory, the difference obtained by subtracting 24611
the amount described in division (D)(4)(b) of this section from 24612
the amount described in division (D)(4)(a) of this section, 24613
provided that such difference is greater than ten per cent of the 24614
amount described in division (D)(4)(a) of this section. 24615

(a) The value of electric company tangible personal property 24616

as assessed by the tax commissioner for tax year 2005 on a 24617
preliminary assessment, or an amended preliminary assessment if 24618
issued prior to March 1, 2006, and as apportioned to the taxing 24619
district for tax year 2005; 24620

(b) The value of electric company tangible personal property 24621
as assessed by the tax commissioner for tax year 2006 on a 24622
preliminary assessment, or an amended preliminary assessment if 24623
issued prior to March 1, 2007, and as apportioned to the taxing 24624
district for tax year 2006. 24625

(E) Not later than January 1, 2002, the tax commissioner 24626
shall determine for each taxing district its natural gas company 24627
tax value loss, which is the sum of the amounts described in 24628
divisions (E)(1) and (2) of this section: 24629

(1) The difference obtained by subtracting the amount 24630
described in division (E)(1)(b) from the amount described in 24631
division (E)(1)(a) of this section. 24632

(a) The value of all natural gas company tangible personal 24633
property, other than property described in division (E)(2) of this 24634
section, as assessed by the tax commissioner for tax year 1999 on 24635
a preliminary assessment, or an amended preliminary assessment if 24636
issued prior to March 1, 2000, and apportioned to the taxing 24637
district for tax year 1999; 24638

(b) The value of all natural gas company tangible personal 24639
property, other than property described in division (E)(2) of this 24640
section, as assessed by the tax commissioner for tax year 1999 had 24641
the property been apportioned to the taxing district for tax year 24642
2001, and assessed at the rates in effect for tax year 2001. 24643

(2) The difference in the value of current gas obtained by 24644
subtracting the amount described in division (E)(2)(b) from the 24645
amount described in division (E)(2)(a) of this section. 24646

(a) The three-year average assessed value of current gas as 24647

assessed by the tax commissioner for tax years 1997, 1998, and 24648
1999 on a preliminary assessment, or an amended preliminary 24649
assessment if issued prior to March 1, 2001, and as apportioned in 24650
the taxing district for those respective years; 24651

(b) The three-year average assessed value from current gas 24652
under division (E)(2)(a) of this section for tax years 1997, 1998, 24653
and 1999, as reflected in the preliminary assessment, using an 24654
assessment rate of twenty-five per cent. 24655

(F) The tax commissioner may request that natural gas 24656
companies, electric companies, and rural electric companies file a 24657
report to help determine the tax value loss under divisions (D) 24658
and (E) of this section. The report shall be filed within thirty 24659
days of the commissioner's request. A company that fails to file 24660
the report or does not timely file the report is subject to the 24661
penalty in section 5727.60 of the Revised Code. 24662

(G) Not later than January 1, 2002, the tax commissioner 24663
shall determine for each school district, joint vocational school 24664
district, and local taxing unit its fixed-rate levy loss, which is 24665
the sum of its electric company tax value loss multiplied by the 24666
tax rate in effect in tax year 1998 for fixed-rate levies and its 24667
natural gas company tax value loss multiplied by the tax rate in 24668
effect in tax year 1999 for fixed-rate levies. 24669

(H) Not later than January 1, 2002, the tax commissioner 24670
shall determine for each school district, joint vocational school 24671
district, and local taxing unit its fixed-sum levy loss, which is 24672
the amount obtained by subtracting the amount described in 24673
division (H)(2) of this section from the amount described in 24674
division (H)(1) of this section: 24675

(1) The sum of the electric company tax value loss multiplied 24676
by the tax rate in effect in tax year 1998, and the natural gas 24677
company tax value loss multiplied by the tax rate in effect in tax 24678

year 1999, for fixed-sum levies for all taxing districts within 24679
each school district, joint vocational school district, and local 24680
taxing unit. For the years 2002 through 2006, this computation 24681
shall include school district emergency levies that existed in 24682
1998 in the case of the electric company tax value loss, and 1999 24683
in the case of the natural gas company tax value loss, and all 24684
other fixed-sum levies that existed in 1998 in the case of the 24685
electric company tax value loss and 1999 in the case of the 24686
natural gas company tax value loss and continue to be charged in 24687
the tax year preceding the distribution year. For the years 2007 24688
through 2016 in the case of school district emergency levies, and 24689
for all years after 2006 in the case of all other fixed-sum 24690
levies, this computation shall exclude all fixed-sum levies that 24691
existed in 1998 in the case of the electric company tax value loss 24692
and 1999 in the case of the natural gas company tax value loss, 24693
but are no longer in effect in the tax year preceding the 24694
distribution year. For the purposes of this section, an emergency 24695
levy that existed in 1998 in the case of the electric company tax 24696
value loss, and 1999 in the case of the natural gas company tax 24697
value loss, continues to exist in a year beginning on or after 24698
January 1, 2007, but before January 1, 2017, if, in that year, the 24699
board of education levies a school district emergency levy for an 24700
annual sum at least equal to the annual sum levied by the board in 24701
tax year 1998 or 1999, respectively, less the amount of the 24702
payment certified under this division for 2002. 24703

(2) The total taxable value in tax year 1999 less the tax 24704
value loss in each school district, joint vocational school 24705
district, and local taxing unit multiplied by one-fourth of one 24706
mill. 24707

If the amount computed under division (H) of this section for 24708
any school district, joint vocational school district, or local 24709
taxing unit is greater than zero, that amount shall equal the 24710

fixed-sum levy loss reimbursed pursuant to division (E) of section 24711
5727.85 of the Revised Code or division (A)(2) of section 5727.86 24712
of the Revised Code, and the one-fourth of one mill that is 24713
subtracted under division (H)(2) of this section shall be 24714
apportioned among all contributing fixed-sum levies in the 24715
proportion of each levy to the sum of all fixed-sum levies within 24716
each school district, joint vocational school district, or local 24717
taxing unit. 24718

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 24719
section, in computing the tax value loss, fixed-rate levy loss, 24720
and fixed-sum levy loss, the tax commissioner shall use the 24721
greater of the 1998 tax rate or the 1999 tax rate in the case of 24722
levy losses associated with the electric company tax value loss, 24723
but the 1999 tax rate shall not include for this purpose any tax 24724
levy approved by the voters after June 30, 1999, and the tax 24725
commissioner shall use the greater of the 1999 or the 2000 tax 24726
rate in the case of levy losses associated with the natural gas 24727
company tax value loss. 24728

(J) Not later than January 1, 2002, the tax commissioner 24729
shall certify to the department of education the tax value loss 24730
determined under divisions (D) and (E) of this section for each 24731
taxing district, the fixed-rate levy loss calculated under 24732
division (G) of this section, and the fixed-sum levy loss 24733
calculated under division (H) of this section. The calculations 24734
under divisions (G) and (H) of this section shall separately 24735
display the levy loss for each levy eligible for reimbursement. 24736

(K) Not later than September 1, 2001, the tax commissioner 24737
shall certify the amount of the fixed-sum levy loss to the county 24738
auditor of each county in which a school district with a fixed-sum 24739
levy loss has territory. 24740

Sec. 5727.85. (A) By the thirty-first day of July of each 24741

year, beginning in 2002 and ending in 2016, the department of 24742
education shall determine the following for each school district 24743
and each joint vocational school district ~~eligible for payment~~ 24744
~~under division (C) or (D) of this section:~~ 24745

(1) The state education aid offset, which is the difference 24746
obtained by subtracting the amount described in division (A)(1)(b) 24747
of this section from the amount described in division (A)(1)(a) of 24748
this section: 24749

(a) The state education aid computed for the school district 24750
or joint vocational school district for the current fiscal year as 24751
of the thirty-first day of July; 24752

(b) The state education aid that would be computed for the 24753
school district or joint vocational school district for the 24754
current fiscal year as of the thirty-first day of July if the 24755
recognized valuation included the tax value loss for the school 24756
district or joint vocational school district. 24757

(2) The greater of zero or the difference obtained by 24758
subtracting the state education aid offset determined under 24759
division (A)(1) of this section from the fixed-rate levy loss 24760
certified under division (J) of section 5727.84 of the Revised 24761
Code for all taxing districts in each school district and joint 24762
vocational school district. 24763

By the fifth day of August of each such year, the department 24764
of education shall certify the amount so determined under division 24765
(A)(1) of this section to the director of budget and management. 24766

(B) Not later than the thirty-first day of October of the 24767
years 2006 through 2016, the department of education shall 24768
determine all of the following for each school district: 24769

(1) The amount obtained by subtracting the district's state 24770
education aid computed for fiscal year 2002 from the district's 24771
state education aid computed for the current fiscal year as of the 24772

fifteenth day of July, by including in the definition of 24773
recognized valuation the machinery and equipment, inventory, 24774
furniture and fixtures, and telephone property tax value losses, 24775
as defined in section 5751.20 of the Revised Code, for the school 24776
district or joint vocational school district for the preceding tax 24777
year; 24778

(2) The inflation-adjusted property tax loss. The 24779
inflation-adjusted property tax loss equals the fixed-rate levy 24780
loss, excluding the tax loss from levies within the ten-mill 24781
limitation to pay debt charges, determined under division (G) of 24782
section 5727.84 of the Revised Code for all taxing districts in 24783
each school district, plus the product obtained by multiplying 24784
that loss by the cumulative percentage increase in the consumer 24785
price index from January 1, 2002, to the thirtieth day of June of 24786
the current year. 24787

(3) The difference obtained by subtracting the amount 24788
computed under division (B)(1) from the amount of the 24789
inflation-adjusted property tax loss. If this difference is zero 24790
or a negative number, no further payments shall be made under 24791
division (C) of this section to the school district from the 24792
school district property tax replacement fund. 24793

(C) The department of education shall pay from the school 24794
district property tax replacement fund to each school district all 24795
of the following: 24796

(1) In February 2002, one-half of the fixed-rate levy loss 24797
certified under division (J) of section 5727.84 of the Revised 24798
Code between the twenty-first and twenty-eighth days of February. 24799

(2) From August 2002 through August 2017, one-half of the 24800
amount calculated for that fiscal year under division (A)(2) of 24801
this section between the twenty-first and twenty-eighth days of 24802
August and of February, provided the difference computed under 24803

division (B)(3) of this section is not less than or equal to zero. 24804

For taxes levied within the ten-mill limitation for debt 24805
purposes in tax year 1998 in the case of electric company tax 24806
value losses, and in tax year 1999 in the case of natural gas 24807
company tax value losses, payments shall be made equal to one 24808
hundred per cent of the loss computed as if the tax were a 24809
fixed-rate levy, but those payments shall extend from fiscal year 24810
2006 through fiscal year 2016. 24811

The department of education shall report to each school 24812
district the apportionment of the payments among the school 24813
district's funds based on the certifications under division (J) of 24814
section 5727.84 of the Revised Code. 24815

(D) Not later than January 1, 2002, for all taxing districts 24816
in each joint vocational school district, the tax commissioner 24817
shall certify to the department of education the fixed-rate levy 24818
loss determined under division (G) of section 5727.84 of the 24819
Revised Code. From February 2002 to August 2016, the department 24820
shall pay from the school district property tax replacement fund 24821
to the joint vocational school district one-half of the amount 24822
calculated for that fiscal year under division (A)(2) of this 24823
section between the twenty-first and twenty-eighth days of August 24824
and of February. 24825

(E)(1) Not later than January 1, 2002, for each fixed-sum 24826
levy levied by each school district or joint vocational school 24827
district and for each year for which a determination is made under 24828
division (H) of section 5727.84 of the Revised Code that a 24829
fixed-sum levy loss is to be reimbursed, the tax commissioner 24830
shall certify to the department of education the fixed-sum levy 24831
loss determined under that division. The certification shall cover 24832
a time period sufficient to include all fixed-sum levies for which 24833
the tax commissioner made such a determination. The department 24834
shall pay from the school district property tax replacement fund 24835

to the school district or joint vocational school district 24836
one-half of the fixed-sum levy loss so certified for each year 24837
between the twenty-first and twenty-eighth days of August and of 24838
February. 24839

(2) Beginning in 2003, by the thirty-first day of January of 24840
each year, the tax commissioner shall review the certification 24841
originally made under division (E)(1) of this section. If the 24842
commissioner determines that a debt levy that had been scheduled 24843
to be reimbursed in the current year has expired, a revised 24844
certification for that and all subsequent years shall be made to 24845
the department of education. 24846

(F) If the balance of the half-mill equalization fund created 24847
under section 3318.18 of the Revised Code is insufficient to make 24848
the full amount of payments required under division (D) of that 24849
section, the department of education, at the end of the third 24850
quarter of the fiscal year, shall certify to the director of 24851
budget and management the amount of the deficiency, and the 24852
director shall transfer an amount equal to the deficiency from the 24853
school district property tax replacement fund to the half-mill 24854
equalization fund. 24855

(G) Beginning in August 2002, and ending in May 2017, the 24856
director of budget and management shall transfer from the school 24857
district property tax replacement fund to the general revenue fund 24858
each of the following: 24859

(1) Between the twenty-eighth day of August and the fifth day 24860
of September, the lesser of one-half of the amount certified for 24861
that fiscal year under division (A)(2) of this section or the 24862
balance in the school district property tax replacement fund; 24863

(2) Between the first and fifth days of May, the lesser of 24864
one-half of the amount certified for that fiscal year under 24865
division (A)(2) of this section or the balance in the school 24866

district property tax replacement fund. 24867

(H) On the first day of June each year, the director of 24868
budget and management shall transfer any balance remaining in the 24869
school district property tax replacement fund after the payments 24870
have been made under divisions (C), (D), (E), (F), and (G) of this 24871
section to the half-mill equalization fund created under section 24872
3318.18 of the Revised Code to the extent required to make any 24873
payments in the current fiscal year under that section, and shall 24874
transfer the remaining balance to the general revenue fund. 24875

(I) From fiscal year 2002 through fiscal year 2016, if the 24876
total amount in the school district property tax replacement fund 24877
is insufficient to make all payments under divisions (C), (D), 24878
(E), and (F) of this section at the time the payments are to be 24879
made, the director of budget and management shall transfer from 24880
the general revenue fund to the school district property tax 24881
replacement fund the difference between the total amount to be 24882
paid and the total amount in the school district property tax 24883
replacement fund, except that no transfer shall be made by reason 24884
of a deficiency to the extent that it results from the amendment 24885
of section 5727.84 of the Revised Code by Amended Substitute House 24886
Bill No. 95 of the 125th general assembly. 24887

(J) If all of the territory of a school district or joint 24888
vocational school district is merged with an existing district, or 24889
if a part of the territory of a school district or joint 24890
vocational school district is transferred to an existing or new 24891
district, the department of education, in consultation with the 24892
tax commissioner, shall adjust the payments made under this 24893
section as follows: 24894

(1) For the merger of all of the territory of two or more 24895
districts, the fixed-rate levy loss and the fixed-sum levy loss of 24896
the successor district shall be equal to the sum of the fixed-rate 24897
levy losses and the fixed-sum levy losses for each of the 24898

districts involved in the merger. 24899

(2) For the transfer of a part of one district's territory to 24900
an existing district, the amount of the fixed-rate levy loss that 24901
is transferred to the recipient district shall be an amount equal 24902
to the transferring district's total fixed-rate levy loss times a 24903
fraction, the numerator of which is the value of electric company 24904
tangible personal property located in the part of the territory 24905
that was transferred, and the denominator of which is the total 24906
value of electric company tangible personal property located in 24907
the entire district from which the territory was transferred. The 24908
value of electric company tangible personal property under this 24909
division shall be determined for the most recent year for which 24910
data is available. Fixed-sum levy losses for both districts shall 24911
be determined under division (J)(4) of this section. 24912

(3) For the transfer of a part of the territory of one or 24913
more districts to create a new district: 24914

(a) If the new district is created on or after January 1, 24915
2000, but before January 1, 2005, the new district shall be paid 24916
its current fixed-rate levy loss through August 2009. From 24917
February 2010 to August 2016, the new district shall be paid the 24918
lesser of: (i) the amount calculated under division (C)(2) of this 24919
section or (ii) an amount equal to the new district's fixed-rate 24920
levy loss multiplied by the percentage prescribed by the following 24921
schedule: 24922

YEAR	PERCENTAGE	
2010	70%	24923
2011	70%	24924
2012	60%	24925
2013	50%	24926
2014	40%	24927
2015	24%	24928
2016	11.5%	24929
		24930

2017 and thereafter	0%	24931
Fixed-sum levy losses for the districts shall be determined		24932
under division (J)(4) of this section.		24933
(b) If the new district is created on or after January 1,		24934
2005, the new district shall be deemed not to have any fixed-rate		24935
levy loss or, except as provided in division (J)(4) of this		24936
section, fixed-sum levy loss. The district or districts from which		24937
the territory was transferred shall have no reduction in their		24938
fixed-rate levy loss, or, except as provided in division (J)(4) of		24939
this section, their fixed-sum levy loss.		24940
(4) If a recipient district under division (J)(2) of this		24941
section or a new district under division (J)(3)(a) or (b) of this		24942
section takes on debt from one or more of the districts from which		24943
territory was transferred, and any of the districts transferring		24944
the territory had fixed-sum levy losses, the department of		24945
education, in consultation with the tax commissioner, shall make		24946
an equitable division of the fixed-sum levy losses.		24947
(K) There is hereby created the public utility property tax		24948
study committee, effective January 1, 2011. The committee shall		24949
consist of the following seven members: the tax commissioner,		24950
three members of the senate appointed by the president of the		24951
senate, and three members of the house of representatives		24952
appointed by the speaker of the house of representatives. The		24953
appointments shall be made not later than January 31, 2011. The		24954
tax commissioner shall be the chairperson of the committee.		24955
The committee shall study the extent to which each school		24956
district or joint vocational school district has been compensated,		24957
under sections 5727.84 and 5727.85 of the Revised Code as enacted		24958
by Substitute Senate Bill No. 3 of the 123rd general assembly and		24959
any subsequent acts, for the property tax loss caused by the		24960
reduction in the assessment rates for natural gas, electric, and		24961
rural electric company tangible personal property. Not later than		24962

June 30, 2011, the committee shall issue a report of its findings, 24963
including any recommendations for providing additional 24964
compensation for the property tax loss or regarding remedial 24965
legislation, to the president of the senate and the speaker of the 24966
house of representatives, at which time the committee shall cease 24967
to exist. 24968

The department of taxation and department of education shall 24969
provide such information and assistance as is required for the 24970
committee to carry out its duties. 24971

Sec. 5739.01. As used in this chapter: 24972

(A) "Person" includes individuals, receivers, assignees, 24973
trustees in bankruptcy, estates, firms, partnerships, 24974
associations, joint-stock companies, joint ventures, clubs, 24975
societies, corporations, the state and its political subdivisions, 24976
and combinations of individuals of any form. 24977

(B) "Sale" and "selling" include all of the following 24978
transactions for a consideration in any manner, whether absolutely 24979
or conditionally, whether for a price or rental, in money or by 24980
exchange, and by any means whatsoever: 24981

(1) All transactions by which title or possession, or both, 24982
of tangible personal property, is or is to be transferred, or a 24983
license to use or consume tangible personal property is or is to 24984
be granted; 24985

(2) All transactions by which lodging by a hotel is or is to 24986
be furnished to transient guests; 24987

(3) All transactions by which: 24988

(a) An item of tangible personal property is or is to be 24989
repaired, except property, the purchase of which would not be 24990
subject to the tax imposed by section 5739.02 of the Revised Code; 24991

(b) An item of tangible personal property is or is to be 24992

installed, except property, the purchase of which would not be 24993
subject to the tax imposed by section 5739.02 of the Revised Code 24994
or property that is or is to be incorporated into and will become 24995
a part of a production, transmission, transportation, or 24996
distribution system for the delivery of a public utility service; 24997

(c) The service of washing, cleaning, waxing, polishing, or 24998
painting a motor vehicle is or is to be furnished; 24999

(d) Until August 1, 2003, industrial laundry cleaning 25000
services are or are to be provided and, on and after August 1, 25001
2003, laundry and dry cleaning services are or are to be provided; 25002

(e) Automatic data processing, computer services, or 25003
electronic information services are or are to be provided for use 25004
in business when the true object of the transaction is the receipt 25005
by the consumer of automatic data processing, computer services, 25006
or electronic information services rather than the receipt of 25007
personal or professional services to which automatic data 25008
processing, computer services, or electronic information services 25009
are incidental or supplemental. Notwithstanding any other 25010
provision of this chapter, such transactions that occur between 25011
members of an affiliated group are not sales. An "affiliated 25012
group" means two or more persons related in such a way that one 25013
person owns or controls the business operation of another member 25014
of the group. In the case of corporations with stock, one 25015
corporation owns or controls another if it owns more than fifty 25016
per cent of the other corporation's common stock with voting 25017
rights. 25018

(f) Telecommunications service, including prepaid calling 25019
service, prepaid wireless calling service, or ancillary service, 25020
is or is to be provided, but not including coin-operated telephone 25021
service; 25022

(g) Landscaping and lawn care service is or is to be 25023

provided;	25024
(h) Private investigation and security service is or is to be provided;	25025 25026
(i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call;	25027 25028
(j) Building maintenance and janitorial service is or is to be provided;	25029 25030
(k) Employment service is or is to be provided;	25031
(l) Employment placement service is or is to be provided;	25032
(m) Exterminating service is or is to be provided;	25033
(n) Physical fitness facility service is or is to be provided;	25034 25035
(o) Recreation and sports club service is or is to be provided;	25036 25037
(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided;	25038 25039
(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.	25040 25041 25042 25043 25044 25045 25046 25047
(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	25048 25049 25050 25051 25052 25053

a certificate of public convenience and necessity issued under 49 25054
U.S.C. 41102; 25055

(s) On and after August 1, 2003, motor vehicle towing service 25056
is or is to be provided. As used in this division, "motor vehicle 25057
towing service" means the towing or conveyance of a wrecked, 25058
disabled, or illegally parked motor vehicle. 25059

(t) On and after August 1, 2003, snow removal service is or 25060
is to be provided. As used in this division, "snow removal 25061
service" means the removal of snow by any mechanized means, but 25062
does not include the providing of such service by a person that 25063
has less than five thousand dollars in sales of such service 25064
during the calendar year. 25065

(u) Electronic publishing service is or is to be provided to 25066
a consumer for use in business, except that such transactions 25067
occurring between members of an affiliated group, as defined in 25068
division (B)(3)(e) of this section, are not sales. 25069

(4) All transactions by which printed, imprinted, 25070
overprinted, lithographic, multilithic, blueprinted, photostatic, 25071
or other productions or reproductions of written or graphic matter 25072
are or are to be furnished or transferred; 25073

(5) The production or fabrication of tangible personal 25074
property for a consideration for consumers who furnish either 25075
directly or indirectly the materials used in the production of 25076
fabrication work; and include the furnishing, preparing, or 25077
serving for a consideration of any tangible personal property 25078
consumed on the premises of the person furnishing, preparing, or 25079
serving such tangible personal property. Except as provided in 25080
section 5739.03 of the Revised Code, a construction contract 25081
pursuant to which tangible personal property is or is to be 25082
incorporated into a structure or improvement on and becoming a 25083
part of real property is not a sale of such tangible personal 25084

property. The construction contractor is the consumer of such 25085
tangible personal property, provided that the sale and 25086
installation of carpeting, the sale and installation of 25087
agricultural land tile, the sale and erection or installation of 25088
portable grain bins, or the provision of landscaping and lawn care 25089
service and the transfer of property as part of such service is 25090
never a construction contract. 25091

As used in division (B)(5) of this section: 25092

(a) "Agricultural land tile" means fired clay or concrete 25093
tile, or flexible or rigid perforated plastic pipe or tubing, 25094
incorporated or to be incorporated into a subsurface drainage 25095
system appurtenant to land used or to be used directly in 25096
production by farming, agriculture, horticulture, or floriculture. 25097
The term does not include such materials when they are or are to 25098
be incorporated into a drainage system appurtenant to a building 25099
or structure even if the building or structure is used or to be 25100
used in such production. 25101

(b) "Portable grain bin" means a structure that is used or to 25102
be used by a person engaged in farming or agriculture to shelter 25103
the person's grain and that is designed to be disassembled without 25104
significant damage to its component parts. 25105

(6) All transactions in which all of the shares of stock of a 25106
closely held corporation are transferred, if the corporation is 25107
not engaging in business and its entire assets consist of boats, 25108
planes, motor vehicles, or other tangible personal property 25109
operated primarily for the use and enjoyment of the shareholders; 25110

(7) All transactions in which a warranty, maintenance or 25111
service contract, or similar agreement by which the vendor of the 25112
warranty, contract, or agreement agrees to repair or maintain the 25113
tangible personal property of the consumer is or is to be 25114
provided; 25115

(8) The transfer of copyrighted motion picture films used 25116
solely for advertising purposes, except that the transfer of such 25117
films for exhibition purposes is not a sale-; 25118

(9) On and after August 1, 2003, all transactions by which 25119
tangible personal property is or is to be stored, except such 25120
property that the consumer of the storage holds for sale in the 25121
regular course of business; 25122

(10) All transactions in which "guaranteed auto protection" 25123
is provided whereby a person promises to pay to the consumer the 25124
difference between the amount the consumer receives from motor 25125
vehicle insurance and the amount the consumer owes to a person 25126
holding title to or a lien on the consumer's motor vehicle in the 25127
event the consumer's motor vehicle suffers a total loss under the 25128
terms of the motor vehicle insurance policy or is stolen and not 25129
recovered, if the protection and its price are included in the 25130
purchase or lease agreement. 25131

Except as provided in this section, "sale" and "selling" do 25132
not include transfers of interest in leased property where the 25133
original lessee and the terms of the original lease agreement 25134
remain unchanged, or professional, insurance, or personal service 25135
transactions that involve the transfer of tangible personal 25136
property as an inconsequential element, for which no separate 25137
charges are made. 25138

(C) "Vendor" means the person providing the service or by 25139
whom the transfer effected or license given by a sale is or is to 25140
be made or given and, for sales described in division (B)(3)(i) of 25141
this section, the telecommunications service vendor that provides 25142
the nine hundred telephone service; if two or more persons are 25143
engaged in business at the same place of business under a single 25144
trade name in which all collections on account of sales by each 25145
are made, such persons shall constitute a single vendor. 25146

Physicians, dentists, hospitals, and veterinarians who are 25147
engaged in selling tangible personal property as received from 25148
others, such as eyeglasses, mouthwashes, dentifrices, or similar 25149
articles, are vendors. Veterinarians who are engaged in 25150
transferring to others for a consideration drugs, the dispensing 25151
of which does not require an order of a licensed veterinarian or 25152
physician under federal law, are vendors. 25153

(D)(1) "Consumer" means the person for whom the service is 25154
provided, to whom the transfer effected or license given by a sale 25155
is or is to be made or given, to whom the service described in 25156
division (B)(3)(f) or (i) of this section is charged, or to whom 25157
the admission is granted. 25158

(2) Physicians, dentists, hospitals, and blood banks operated 25159
by nonprofit institutions and persons licensed to practice 25160
veterinary medicine, surgery, and dentistry are consumers of all 25161
tangible personal property and services purchased by them in 25162
connection with the practice of medicine, dentistry, the rendition 25163
of hospital or blood bank service, or the practice of veterinary 25164
medicine, surgery, and dentistry. In addition to being consumers 25165
of drugs administered by them or by their assistants according to 25166
their direction, veterinarians also are consumers of drugs that 25167
under federal law may be dispensed only by or upon the order of a 25168
licensed veterinarian or physician, when transferred by them to 25169
others for a consideration to provide treatment to animals as 25170
directed by the veterinarian. 25171

(3) A person who performs a facility management, or similar 25172
service contract for a contractee is a consumer of all tangible 25173
personal property and services purchased for use in connection 25174
with the performance of such contract, regardless of whether title 25175
to any such property vests in the contractee. The purchase of such 25176
property and services is not subject to the exception for resale 25177
under division (E)(1) of this section. 25178

(4)(a) In the case of a person who purchases printed matter 25179
for the purpose of distributing it or having it distributed to the 25180
public or to a designated segment of the public, free of charge, 25181
that person is the consumer of that printed matter, and the 25182
purchase of that printed matter for that purpose is a sale. 25183

(b) In the case of a person who produces, rather than 25184
purchases, printed matter for the purpose of distributing it or 25185
having it distributed to the public or to a designated segment of 25186
the public, free of charge, that person is the consumer of all 25187
~~tangible~~ tangible personal property and services purchased for use 25188
or consumption in the production of that printed matter. That 25189
person is not entitled to claim exemption under division 25190
(B)(42)(f) of section 5739.02 of the Revised Code for any material 25191
incorporated into the printed matter or any equipment, supplies, 25192
or services primarily used to produce the printed matter. 25193
25194

(c) The distribution of printed matter to the public or to a 25195
designated segment of the public, free of charge, is not a sale to 25196
the members of the public to whom the printed matter is 25197
distributed or to any persons who purchase space in the printed 25198
matter for advertising or other purposes. 25199

(5) A person who makes sales of any of the services listed in 25200
division (B)(3) of this section is the consumer of any tangible 25201
personal property used in performing the service. The purchase of 25202
that property is not subject to the resale exception under 25203
division (E)(1) of this section. 25204

(6) A person who engages in highway transportation for hire 25205
is the consumer of all packaging materials purchased by that 25206
person and used in performing the service, except for packaging 25207
materials sold by such person in a transaction separate from the 25208
service. 25209

(E) "Retail sale" and "sales at retail" include all sales, 25210
except those in which the purpose of the consumer is to resell the 25211
thing transferred or benefit of the service provided, by a person 25212
engaging in business, in the form in which the same is, or is to 25213
be, received by the person. 25214

(F) "Business" includes any activity engaged in by any person 25215
with the object of gain, benefit, or advantage, either direct or 25216
indirect. "Business" does not include the activity of a person in 25217
managing and investing the person's own funds. 25218

(G) "Engaging in business" means commencing, conducting, or 25219
continuing in business, and liquidating a business when the 25220
liquidator thereof holds itself out to the public as conducting 25221
such business. Making a casual sale is not engaging in business. 25222

(H)(1)(a) "Price," except as provided in divisions (H)(2) and 25223
(3) of this section, means the total amount of consideration, 25224
including cash, credit, property, and services, for which tangible 25225
personal property or services are sold, leased, or rented, valued 25226
in money, whether received in money or otherwise, without any 25227
deduction for any of the following: 25228

(i) The vendor's cost of the property sold; 25229

(ii) The cost of materials used, labor or service costs, 25230
interest, losses, all costs of transportation to the vendor, all 25231
taxes imposed on the vendor, including the tax imposed under 25232
Chapter 5751. of the Revised Code, and any other expense of the 25233
vendor; 25234

(iii) Charges by the vendor for any services necessary to 25235
complete the sale; 25236

(iv) On and after August 1, 2003, delivery charges. As used 25237
in this division, "delivery charges" means charges by the vendor 25238
for preparation and delivery to a location designated by the 25239
consumer of tangible personal property or a service, including 25240

transportation, shipping, postage, handling, crating, and packing.	25241
(v) Installation charges;	25242
(vi) Credit for any trade-in.	25243
(b) "Price" includes consideration received by the vendor	25244
from a third party, if the vendor actually receives the	25245
consideration from a party other than the consumer, and the	25246
consideration is directly related to a price reduction or discount	25247
on the sale; the vendor has an obligation to pass the price	25248
reduction or discount through to the consumer; the amount of the	25249
consideration attributable to the sale is fixed and determinable	25250
by the vendor at the time of the sale of the item to the consumer;	25251
and one of the following criteria is met:	25252
(i) The consumer presents a coupon, certificate, or other	25253
document to the vendor to claim a price reduction or discount	25254
where the coupon, certificate, or document is authorized,	25255
distributed, or granted by a third party with the understanding	25256
that the third party will reimburse any vendor to whom the coupon,	25257
certificate, or document is presented;	25258
(ii) The consumer identifies the consumer's self to the	25259
seller as a member of a group or organization entitled to a price	25260
reduction or discount. A preferred customer card that is available	25261
to any patron does not constitute membership in such a group or	25262
organization.	25263
(iii) The price reduction or discount is identified as a	25264
third party price reduction or discount on the invoice received by	25265
the consumer, or on a coupon, certificate, or other document	25266
presented by the consumer.	25267
(c) "Price" does not include any of the following:	25268
(i) Discounts, including cash, term, or coupons that are not	25269
reimbursed by a third party that are allowed by a vendor and taken	25270

by a consumer on a sale; 25271

(ii) Interest, financing, and carrying charges from credit 25272
extended on the sale of tangible personal property or services, if 25273
the amount is separately stated on the invoice, bill of sale, or 25274
similar document given to the purchaser; 25275

(iii) Any taxes legally imposed directly on the consumer that 25276
are separately stated on the invoice, bill of sale, or similar 25277
document given to the consumer. For the purpose of this division, 25278
the tax imposed under Chapter 5751. of the Revised Code is not a 25279
tax directly on the consumer, even if the tax or a portion thereof 25280
is separately stated. 25281

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 25282
section, any discount allowed by an automobile manufacturer to its 25283
employee, or to the employee of a supplier, on the purchase of a 25284
new motor vehicle from a new motor vehicle dealer in this state. 25285

(2) In the case of a sale of any new motor vehicle by a new 25286
motor vehicle dealer, as defined in section 4517.01 of the Revised 25287
Code, in which another motor vehicle is accepted by the dealer as 25288
part of the consideration received, "price" has the same meaning 25289
as in division (H)(1) of this section, reduced by the credit 25290
afforded the consumer by the dealer for the motor vehicle received 25291
in trade. 25292

(3) In the case of a sale of any watercraft or outboard motor 25293
by a watercraft dealer licensed in accordance with section 25294
1547.543 of the Revised Code, in which another watercraft, 25295
watercraft and trailer, or outboard motor is accepted by the 25296
dealer as part of the consideration received, "price" has the same 25297
meaning as in division (H)(1) of this section, reduced by the 25298
credit afforded the consumer by the dealer for the watercraft, 25299
watercraft and trailer, or outboard motor received in trade. As 25300
used in this division, "watercraft" includes an outdrive unit 25301

attached to the watercraft. 25302

(I) "Receipts" means the total amount of the prices of the 25303
sales of vendors, provided that cash discounts allowed and taken 25304
on sales at the time they are consummated are not included, minus 25305
any amount deducted as a bad debt pursuant to section 5739.121 of 25306
the Revised Code. "Receipts" does not include the sale price of 25307
property returned or services rejected by consumers when the full 25308
sale price and tax are refunded either in cash or by credit. 25309

(J) "Place of business" means any location at which a person 25310
engages in business. 25311

(K) "Premises" includes any real property or portion thereof 25312
upon which any person engages in selling tangible personal 25313
property at retail or making retail sales and also includes any 25314
real property or portion thereof designated for, or devoted to, 25315
use in conjunction with the business engaged in by such person. 25316

(L) "Casual sale" means a sale of an item of tangible 25317
personal property that was obtained by the person making the sale, 25318
through purchase or otherwise, for the person's own use and was 25319
previously subject to any state's taxing jurisdiction on its sale 25320
or use, and includes such items acquired for the seller's use that 25321
are sold by an auctioneer employed directly by the person for such 25322
purpose, provided the location of such sales is not the 25323
auctioneer's permanent place of business. As used in this 25324
division, "permanent place of business" includes any location 25325
where such auctioneer has conducted more than two auctions during 25326
the year. 25327

(M) "Hotel" means every establishment kept, used, maintained, 25328
advertised, or held out to the public to be a place where sleeping 25329
accommodations are offered to guests, in which five or more rooms 25330
are used for the accommodation of such guests, whether the rooms 25331
are in one or several structures. 25332

(N) "Transient guests" means persons occupying a room or 25333
rooms for sleeping accommodations for less than thirty consecutive 25334
days. 25335

(O) "Making retail sales" means the effecting of transactions 25336
wherein one party is obligated to pay the price and the other 25337
party is obligated to provide a service or to transfer title to or 25338
possession of the item sold. "Making retail sales" does not 25339
include the preliminary acts of promoting or soliciting the retail 25340
sales, other than the distribution of printed matter which 25341
displays or describes and prices the item offered for sale, nor 25342
does it include delivery of a predetermined quantity of tangible 25343
personal property or transportation of property or personnel to or 25344
from a place where a service is performed, regardless of whether 25345
the vendor is a delivery vendor. 25346

(P) "Used directly in the rendition of a public utility 25347
service" means that property that is to be incorporated into and 25348
will become a part of the consumer's production, transmission, 25349
transportation, or distribution system and that retains its 25350
classification as tangible personal property after such 25351
incorporation; fuel or power used in the production, transmission, 25352
transportation, or distribution system; and tangible personal 25353
property used in the repair and maintenance of the production, 25354
transmission, transportation, or distribution system, including 25355
only such motor vehicles as are specially designed and equipped 25356
for such use. Tangible personal property and services used 25357
primarily in providing highway transportation for hire are not 25358
used directly in the rendition of a public utility service. In 25359
this definition, "public utility" includes a citizen of the United 25360
States holding, and required to hold, a certificate of public 25361
convenience and necessity issued under 49 U.S.C. 41102. 25362

(Q) "Refining" means removing or separating a desirable 25363
product from raw or contaminated materials by distillation or 25364

physical, mechanical, or chemical processes. 25365

(R) "Assembly" and "assembling" mean attaching or fitting 25366
together parts to form a product, but do not include packaging a 25367
product. 25368

(S) "Manufacturing operation" means a process in which 25369
materials are changed, converted, or transformed into a different 25370
state or form from which they previously existed and includes 25371
refining materials, assembling parts, and preparing raw materials 25372
and parts by mixing, measuring, blending, or otherwise committing 25373
such materials or parts to the manufacturing process. 25374
"Manufacturing operation" does not include packaging. 25375

(T) "Fiscal officer" means, with respect to a regional 25376
transit authority, the secretary-treasurer thereof, and with 25377
respect to a county that is a transit authority, the fiscal 25378
officer of the county transit board if one is appointed pursuant 25379
to section 306.03 of the Revised Code or the county auditor if the 25380
board of county commissioners operates the county transit system. 25381

(U) "Transit authority" means a regional transit authority 25382
created pursuant to section 306.31 of the Revised Code or a county 25383
in which a county transit system is created pursuant to section 25384
306.01 of the Revised Code. For the purposes of this chapter, a 25385
transit authority must extend to at least the entire area of a 25386
single county. A transit authority that includes territory in more 25387
than one county must include all the area of the most populous 25388
county that is a part of such transit authority. County population 25389
shall be measured by the most recent census taken by the United 25390
States census bureau. 25391

(V) "Legislative authority" means, with respect to a regional 25392
transit authority, the board of trustees thereof, and with respect 25393
to a county that is a transit authority, the board of county 25394
commissioners. 25395

(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 together with verification thereof, or providing access to computer equipment for the purpose of processing data.

(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.

(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following:

(i) Examining or acquiring data stored in or accessible to the computer equipment;

(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment.

For transactions occurring on or after the effective date of the amendment of this section by H.B. 157 of the 127th general assembly, December 21, 2007, "electronic information services" does not include electronic publishing as defined in division

(LLL) of this section.	25427
(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services.	25428 25429 25430
(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to:	25431 25432 25433 25434
(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;	25435 25436 25437 25438 25439
(b) Analyzing business policies and procedures;	25440
(c) Identifying management information needs;	25441
(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;	25442 25443 25444
(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;	25445 25446 25447 25448
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	25449 25450 25451
(g) Testing of business procedures;	25452
(h) Training personnel in business procedure applications;	25453
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or	25454 25455 25456

as hereafter amended, including but not limited to gathering, 25457
organizing, analyzing, recording, and furnishing such information 25458
by any oral, written, graphic, or electronic medium; 25459

(j) Providing debt collection services by any oral, written, 25460
graphic, or electronic means. 25461

The services listed in divisions (Y)(2)(a) to (j) of this 25462
section are not automatic data processing or computer services. 25463

(Z) "Highway transportation for hire" means the 25464
transportation of personal property belonging to others for 25465
consideration by any of the following: 25466

(1) The holder of a permit or certificate issued by this 25467
state or the United States authorizing the holder to engage in 25468
transportation of personal property belonging to others for 25469
consideration over or on highways, roadways, streets, or any 25470
similar public thoroughfare; 25471

(2) A person who engages in the transportation of personal 25472
property belonging to others for consideration over or on 25473
highways, roadways, streets, or any similar public thoroughfare 25474
but who could not have engaged in such transportation on December 25475
11, 1985, unless the person was the holder of a permit or 25476
certificate of the types described in division (Z)(1) of this 25477
section; 25478

(3) A person who leases a motor vehicle to and operates it 25479
for a person described by division (Z)(1) or (2) of this section. 25480

(AA)(1) "Telecommunications service" means the electronic 25481
transmission, conveyance, or routing of voice, data, audio, video, 25482
or any other information or signals to a point, or between or 25483
among points. "Telecommunications service" includes such 25484
transmission, conveyance, or routing in which computer processing 25485
applications are used to act on the form, code, or protocol of the 25486
content for purposes of transmission, conveyance, or routing 25487

without regard to whether the service is referred to as voice-over 25488
internet protocol service or is classified by the federal 25489
communications commission as enhanced or value-added. 25490
"Telecommunications service" does not include any of the 25491
following: 25492

(a) Data processing and information services that allow data 25493
to be generated, acquired, stored, processed, or retrieved and 25494
delivered by an electronic transmission to a consumer where the 25495
consumer's primary purpose for the underlying transaction is the 25496
processed data or information; 25497

(b) Installation or maintenance of wiring or equipment on a 25498
customer's premises; 25499

(c) Tangible personal property; 25500

(d) Advertising, including directory advertising; 25501

(e) Billing and collection services provided to third 25502
parties; 25503

(f) Internet access service; 25504

(g) Radio and television audio and video programming 25505
services, regardless of the medium, including the furnishing of 25506
transmission, conveyance, and routing of such services by the 25507
programming service provider. Radio and television audio and video 25508
programming services include, but are not limited to, cable 25509
service, as defined in 47 U.S.C. 522(6), and audio and video 25510
programming services delivered by commercial mobile radio service 25511
providers, as defined in 47 C.F.R. 20.3; 25512

(h) Ancillary service; 25513

(i) Digital products delivered electronically, including 25514
software, music, video, reading materials, or ring tones. 25515

(2) "Ancillary service" means a service that is associated 25516
with or incidental to the provision of telecommunications service, 25517

including conference bridging service, detailed telecommunications 25518
billing service, directory assistance, vertical service, and voice 25519
mail service. As used in this division: 25520

(a) "Conference bridging service" means an ancillary service 25521
that links two or more participants of an audio or video 25522
conference call, including providing a telephone number. 25523
"Conference bridging service" does not include telecommunications 25524
services used to reach the conference bridge. 25525

(b) "Detailed telecommunications billing service" means an 25526
ancillary service of separately stating information pertaining to 25527
individual calls on a customer's billing statement. 25528

(c) "Directory assistance" means an ancillary service of 25529
providing telephone number or address information. 25530

(d) "Vertical service" means an ancillary service that is 25531
offered in connection with one or more telecommunications 25532
services, which offers advanced calling features that allow 25533
customers to identify callers and manage multiple calls and call 25534
connections, including conference bridging service. 25535

(e) "Voice mail service" means an ancillary service that 25536
enables the customer to store, send, or receive recorded messages. 25537
"Voice mail service" does not include any vertical services that 25538
the customer may be required to have in order to utilize the voice 25539
mail service. 25540

(3) "900 service" means an inbound toll telecommunications 25541
service purchased by a subscriber that allows the subscriber's 25542
customers to call in to the subscriber's prerecorded announcement 25543
or live service, and which is typically marketed under the name 25544
"900" service and any subsequent numbers designated by the federal 25545
communications commission. "900 service" does not include the 25546
charge for collection services provided by the seller of the 25547
telecommunications service to the subscriber, or services or 25548

products sold by the subscriber to the subscriber's customer. 25549

(4) "Prepaid calling service" means the right to access 25550
exclusively telecommunications services, which must be paid for in 25551
advance and which enables the origination of calls using an access 25552
number or authorization code, whether manually or electronically 25553
dialed, and that is sold in predetermined units of dollars of 25554
which the number declines with use in a known amount. 25555

(5) "Prepaid wireless calling service" means a 25556
telecommunications service that provides the right to utilize 25557
mobile telecommunications service as well as other 25558
non-telecommunications services, including the download of digital 25559
products delivered electronically, and content and ancillary 25560
services, that must be paid for in advance and that is sold in 25561
predetermined units of dollars of which the number declines with 25562
use in a known amount. 25563

(6) "Value-added non-voice data service" means a 25564
telecommunications service in which computer processing 25565
applications are used to act on the form, content, code, or 25566
protocol of the information or data primarily for a purpose other 25567
than transmission, conveyance, or routing. 25568

(7) "Coin-operated telephone service" means a 25569
telecommunications service paid for by inserting money into a 25570
telephone accepting direct deposits of money to operate. 25571

(8) "Customer" has the same meaning as in section 5739.034 of 25572
the Revised Code. 25573

(BB) "Laundry and dry cleaning services" means removing soil 25574
or dirt from towels, linens, articles of clothing, or other fabric 25575
items that belong to others and supplying towels, linens, articles 25576
of clothing, or other fabric items. "Laundry and dry cleaning 25577
services" does not include the provision of self-service 25578
facilities for use by consumers to remove soil or dirt from 25579

towels, linens, articles of clothing, or other fabric items. 25580

(CC) "Magazines distributed as controlled circulation 25581
publications" means magazines containing at least twenty-four 25582
pages, at least twenty-five per cent editorial content, issued at 25583
regular intervals four or more times a year, and circulated 25584
without charge to the recipient, provided that such magazines are 25585
not owned or controlled by individuals or business concerns which 25586
conduct such publications as an auxiliary to, and essentially for 25587
the advancement of the main business or calling of, those who own 25588
or control them. 25589

(DD) "Landscaping and lawn care service" means the services 25590
of planting, seeding, sodding, removing, cutting, trimming, 25591
pruning, mulching, aerating, applying chemicals, watering, 25592
fertilizing, and providing similar services to establish, promote, 25593
or control the growth of trees, shrubs, flowers, grass, ground 25594
cover, and other flora, or otherwise maintaining a lawn or 25595
landscape grown or maintained by the owner for ornamentation or 25596
other nonagricultural purpose. However, "landscaping and lawn care 25597
service" does not include the providing of such services by a 25598
person who has less than five thousand dollars in sales of such 25599
services during the calendar year. 25600

(EE) "Private investigation and security service" means the 25601
performance of any activity for which the provider of such service 25602
is required to be licensed pursuant to Chapter 4749. of the 25603
Revised Code, or would be required to be so licensed in performing 25604
such services in this state, and also includes the services of 25605
conducting polygraph examinations and of monitoring or overseeing 25606
the activities on or in, or the condition of, the consumer's home, 25607
business, or other facility by means of electronic or similar 25608
monitoring devices. "Private investigation and security service" 25609
does not include special duty services provided by off-duty police 25610
officers, deputy sheriffs, and other peace officers regularly 25611

employed by the state or a political subdivision. 25612

(FF) "Information services" means providing conversation, 25613
giving consultation or advice, playing or making a voice or other 25614
recording, making or keeping a record of the number of callers, 25615
and any other service provided to a consumer by means of a nine 25616
hundred telephone call, except when the nine hundred telephone 25617
call is the means by which the consumer makes a contribution to a 25618
recognized charity. 25619

(GG) "Research and development" means designing, creating, or 25620
formulating new or enhanced products, equipment, or manufacturing 25621
processes, and also means conducting scientific or technological 25622
inquiry and experimentation in the physical sciences with the goal 25623
of increasing scientific knowledge which may reveal the bases for 25624
new or enhanced products, equipment, or manufacturing processes. 25625

(HH) "Qualified research and development equipment" means 25626
capitalized tangible personal property, and leased personal 25627
property that would be capitalized if purchased, used by a person 25628
primarily to perform research and development. Tangible personal 25629
property primarily used in testing, as defined in division (A)(4) 25630
of section 5739.011 of the Revised Code, or used for recording or 25631
storing test results, is not qualified research and development 25632
equipment unless such property is primarily used by the consumer 25633
in testing the product, equipment, or manufacturing process being 25634
created, designed, or formulated by the consumer in the research 25635
and development activity or in recording or storing such test 25636
results. 25637

(II) "Building maintenance and janitorial service" means 25638
cleaning the interior or exterior of a building and any tangible 25639
personal property located therein or thereon, including any 25640
services incidental to such cleaning for which no separate charge 25641
is made. However, "building maintenance and janitorial service" 25642
does not include the providing of such service by a person who has 25643

less than five thousand dollars in sales of such service during 25644
the calendar year. 25645

(JJ) "Employment service" means providing or supplying 25646
personnel, on a temporary or long-term basis, to perform work or 25647
labor under the supervision or control of another, when the 25648
personnel so provided or supplied receive their wages, salary, or 25649
other compensation from the provider or supplier of the employment 25650
service or from a third party that provided or supplied the 25651
personnel to the provider or supplier. "Employment service" does 25652
not include: 25653

(1) Acting as a contractor or subcontractor, where the 25654
personnel performing the work are not under the direct control of 25655
the purchaser. 25656

(2) Medical and health care services. 25657

(3) Supplying personnel to a purchaser pursuant to a contract 25658
of at least one year between the service provider and the 25659
purchaser that specifies that each employee covered under the 25660
contract is assigned to the purchaser on a permanent basis. 25661

(4) Transactions between members of an affiliated group, as 25662
defined in division (B)(3)(e) of this section. 25663

(5) Transactions where the personnel so provided or supplied 25664
by a provider or supplier to a purchaser of an employment service 25665
are then provided or supplied by that purchaser to a third party 25666
as an employment service, except "employment service" does include 25667
the transaction between that purchaser and the third party. 25668

(KK) "Employment placement service" means locating or finding 25669
employment for a person or finding or locating an employee to fill 25670
an available position. 25671

(LL) "Exterminating service" means eradicating or attempting 25672
to eradicate vermin infestations from a building or structure, or 25673

the area surrounding a building or structure, and includes 25674
activities to inspect, detect, or prevent vermin infestation of a 25675
building or structure. 25676

(MM) "Physical fitness facility service" means all 25677
transactions by which a membership is granted, maintained, or 25678
renewed, including initiation fees, membership dues, renewal fees, 25679
monthly minimum fees, and other similar fees and dues, by a 25680
physical fitness facility such as an athletic club, health spa, or 25681
gymnasium, which entitles the member to use the facility for 25682
physical exercise. 25683

(NN) "Recreation and sports club service" means all 25684
transactions by which a membership is granted, maintained, or 25685
renewed, including initiation fees, membership dues, renewal fees, 25686
monthly minimum fees, and other similar fees and dues, by a 25687
recreation and sports club, which entitles the member to use the 25688
facilities of the organization. "Recreation and sports club" means 25689
an organization that has ownership of, or controls or leases on a 25690
continuing, long-term basis, the facilities used by its members 25691
and includes an aviation club, gun or shooting club, yacht club, 25692
card club, swimming club, tennis club, golf club, country club, 25693
riding club, amateur sports club, or similar organization. 25694

(OO) "Livestock" means farm animals commonly raised for food 25695
or food production, and includes but is not limited to cattle, 25696
sheep, goats, swine, and poultry. "Livestock" does not include 25697
invertebrates, fish, amphibians, reptiles, horses, domestic pets, 25698
animals for use in laboratories or for exhibition, or other 25699
animals not commonly raised for food or food production. 25700

(PP) "Livestock structure" means a building or structure used 25701
exclusively for the housing, raising, feeding, or sheltering of 25702
livestock, and includes feed storage or handling structures and 25703
structures for livestock waste handling. 25704

(QQ) "Horticulture" means the growing, cultivation, and 25705
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 25706
and nursery stock. As used in this division, "nursery stock" has 25707
the same meaning as in section 927.51 of the Revised Code. 25708

(RR) "Horticulture structure" means a building or structure 25709
used exclusively for the commercial growing, raising, or 25710
overwintering of horticultural products, and includes the area 25711
used for stocking, storing, and packing horticultural products 25712
when done in conjunction with the production of those products. 25713

(SS) "Newspaper" means an unbound publication bearing a title 25714
or name that is regularly published, at least as frequently as 25715
biweekly, and distributed from a fixed place of business to the 25716
public in a specific geographic area, and that contains a 25717
substantial amount of news matter of international, national, or 25718
local events of interest to the general public. 25719

(TT) "Professional racing team" means a person that employs 25720
at least twenty full-time employees for the purpose of conducting 25721
a motor vehicle racing business for profit. The person must 25722
conduct the business with the purpose of racing one or more motor 25723
racing vehicles in at least ten competitive professional racing 25724
events each year that comprise all or part of a motor racing 25725
series sanctioned by one or more motor racing sanctioning 25726
organizations. A "motor racing vehicle" means a vehicle for which 25727
the chassis, engine, and parts are designed exclusively for motor 25728
racing, and does not include a stock or production model vehicle 25729
that may be modified for use in racing. For the purposes of this 25730
division: 25731

(1) A "competitive professional racing event" is a motor 25732
vehicle racing event sanctioned by one or more motor racing 25733
sanctioning organizations, at which aggregate cash prizes in 25734
excess of eight hundred thousand dollars are awarded to the 25735
competitors. 25736

(2) "Full-time employee" means an individual who is employed 25737
for consideration for thirty-five or more hours a week, or who 25738
renders any other standard of service generally accepted by custom 25739
or specified by contract as full-time employment. 25740

(UU)(1) "Lease" or "rental" means any transfer of the 25741
possession or control of tangible personal property for a fixed or 25742
indefinite term, for consideration. "Lease" or "rental" includes 25743
future options to purchase or extend, and agreements described in 25744
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 25745
the amount of consideration may be increased or decreased by 25746
reference to the amount realized upon the sale or disposition of 25747
the property. "Lease" or "rental" does not include: 25748

(a) A transfer of possession or control of tangible personal 25749
property under a security agreement or a deferred payment plan 25750
that requires the transfer of title upon completion of the 25751
required payments; 25752

(b) A transfer of possession or control of tangible personal 25753
property under an agreement that requires the transfer of title 25754
upon completion of required payments and payment of an option 25755
price that does not exceed the greater of one hundred dollars or 25756
one per cent of the total required payments; 25757

(c) Providing tangible personal property along with an 25758
operator for a fixed or indefinite period of time, if the operator 25759
is necessary for the property to perform as designed. For purposes 25760
of this division, the operator must do more than maintain, 25761
inspect, or set-up the tangible personal property. 25762

(2) "Lease" and "rental," as defined in division (UU) of this 25763
section, shall not apply to leases or rentals that exist before 25764
June 26, 2003. 25765

(3) "Lease" and "rental" have the same meaning as in division 25766
(UU)(1) of this section regardless of whether a transaction is 25767

characterized as a lease or rental under generally accepted 25768
accounting principles, the Internal Revenue Code, Title XIII of 25769
the Revised Code, or other federal, state, or local laws. 25770

(VV) "Mobile telecommunications service" has the same meaning 25771
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 25772
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 25773
on and after August 1, 2003, includes related fees and ancillary 25774
services, including universal service fees, detailed billing 25775
service, directory assistance, service initiation, voice mail 25776
service, and vertical services, such as caller ID and three-way 25777
calling. 25778

(WW) "Certified service provider" has the same meaning as in 25779
section 5740.01 of the Revised Code. 25780

(XX) "Satellite broadcasting service" means the distribution 25781
or broadcasting of programming or services by satellite directly 25782
to the subscriber's receiving equipment without the use of ground 25783
receiving or distribution equipment, except the subscriber's 25784
receiving equipment or equipment used in the uplink process to the 25785
satellite, and includes all service and rental charges, premium 25786
channels or other special services, installation and repair 25787
service charges, and any other charges having any connection with 25788
the provision of the satellite broadcasting service. 25789

(YY) "Tangible personal property" means personal property 25790
that can be seen, weighed, measured, felt, or touched, or that is 25791
in any other manner perceptible to the senses. For purposes of 25792
this chapter and Chapter 5741. of the Revised Code, "tangible 25793
personal property" includes motor vehicles, electricity, water, 25794
gas, steam, and prewritten computer software. 25795

(ZZ) "Direct mail" means printed material delivered or 25796
distributed by United States mail or other delivery service to a 25797
mass audience or to addressees on a mailing list provided by the 25798

consumer or at the direction of the consumer when the cost of the 25799
items are not billed directly to the recipients. "Direct mail" 25800
includes tangible personal property supplied directly or 25801
indirectly by the consumer to the direct mail vendor for inclusion 25802
in the package containing the printed material. "Direct mail" does 25803
not include multiple items of printed material delivered to a 25804
single address. 25805

(AAA) "Computer" means an electronic device that accepts 25806
information in digital or similar form and manipulates it for a 25807
result based on a sequence of instructions. 25808

(BBB) "Computer software" means a set of coded instructions 25809
designed to cause a computer or automatic data processing 25810
equipment to perform a task. 25811

(CCC) "Delivered electronically" means delivery of computer 25812
software from the seller to the purchaser by means other than 25813
tangible storage media. 25814

(DDD) "Prewritten computer software" means computer software, 25815
including prewritten upgrades, that is not designed and developed 25816
by the author or other creator to the specifications of a specific 25817
purchaser. The combining of two or more prewritten computer 25818
software programs or prewritten portions thereof does not cause 25819
the combination to be other than prewritten computer software. 25820
"Prewritten computer software" includes software designed and 25821
developed by the author or other creator to the specifications of 25822
a specific purchaser when it is sold to a person other than the 25823
purchaser. If a person modifies or enhances computer software of 25824
which the person is not the author or creator, the person shall be 25825
deemed to be the author or creator only of such person's 25826
modifications or enhancements. Prewritten computer software or a 25827
prewritten portion thereof that is modified or enhanced to any 25828
degree, where such modification or enhancement is designed and 25829
developed to the specifications of a specific purchaser, remains 25830

prewritten computer software; provided, however, that where there 25831
is a reasonable, separately stated charge or an invoice or other 25832
statement of the price given to the purchaser for the modification 25833
or enhancement, the modification or enhancement shall not 25834
constitute prewritten computer software. 25835

(EEE)(1) "Food" means substances, whether in liquid, 25836
concentrated, solid, frozen, dried, or dehydrated form, that are 25837
sold for ingestion or chewing by humans and are consumed for their 25838
taste or nutritional value. "Food" does not include alcoholic 25839
beverages, dietary supplements, soft drinks, or tobacco. 25840

(2) As used in division (EEE)(1) of this section: 25841

(a) "Alcoholic beverages" means beverages that are suitable 25842
for human consumption and contain one-half of one per cent or more 25843
of alcohol by volume. 25844

(b) "Dietary supplements" means any product, other than 25845
tobacco, that is intended to supplement the diet and that is 25846
intended for ingestion in tablet, capsule, powder, softgel, 25847
gelcap, or liquid form, or, if not intended for ingestion in such 25848
a form, is not represented as conventional food for use as a sole 25849
item of a meal or of the diet; that is required to be labeled as a 25850
dietary supplement, identifiable by the "supplement facts" box 25851
found on the label, as required by 21 C.F.R. 101.36; and that 25852
contains one or more of the following dietary ingredients: 25853

(i) A vitamin; 25854

(ii) A mineral; 25855

(iii) An herb or other botanical; 25856

(iv) An amino acid; 25857

(v) A dietary substance for use by humans to supplement the 25858
diet by increasing the total dietary intake; 25859

(vi) A concentrate, metabolite, constituent, extract, or 25860

combination of any ingredient described in divisions 25861
(EEE)(2)(b)(i) to (v) of this section. 25862

(c) "Soft drinks" means nonalcoholic beverages that contain 25863
natural or artificial sweeteners. "Soft drinks" does not include 25864
beverages that contain milk or milk products, soy, rice, or 25865
similar milk substitutes, or that contains greater than fifty per 25866
cent vegetable or fruit juice by volume. 25867

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 25868
tobacco, or any other item that contains tobacco. 25869

(FFF) "Drug" means a compound, substance, or preparation, and 25870
any component of a compound, substance, or preparation, other than 25871
food, dietary supplements, or alcoholic beverages that is 25872
recognized in the official United States pharmacopoeia, official 25873
homeopathic pharmacopoeia of the United States, or official 25874
national formulary, and supplements to them; is intended for use 25875
in the diagnosis, cure, mitigation, treatment, or prevention of 25876
disease; or is intended to affect the structure or any function of 25877
the body. 25878

(GGG) "Prescription" means an order, formula, or recipe 25879
issued in any form of oral, written, electronic, or other means of 25880
transmission by a duly licensed practitioner authorized by the 25881
laws of this state to issue a prescription. 25882

(HHH) "Durable medical equipment" means equipment, including 25883
repair and replacement parts for such equipment, that can 25884
withstand repeated use, is primarily and customarily used to serve 25885
a medical purpose, generally is not useful to a person in the 25886
absence of illness or injury, and is not worn in or on the body. 25887
"Durable medical equipment" does not include mobility enhancing 25888
equipment. 25889

(III) "Mobility enhancing equipment" means equipment, 25890
including repair and replacement parts for such equipment, that is 25891

primarily and customarily used to provide or increase the ability 25892
to move from one place to another and is appropriate for use 25893
either in a home or a motor vehicle, that is not generally used by 25894
persons with normal mobility, and that does not include any motor 25895
vehicle or equipment on a motor vehicle normally provided by a 25896
motor vehicle manufacturer. "Mobility enhancing equipment" does 25897
not include durable medical equipment. 25898

(JJJ) "Prosthetic device" means a replacement, corrective, or 25899
supportive device, including repair and replacement parts for the 25900
device, worn on or in the human body to artificially replace a 25901
missing portion of the body, prevent or correct physical deformity 25902
or malfunction, or support a weak or deformed portion of the body. 25903
As used in this division, "prosthetic device" does not include 25904
corrective eyeglasses, contact lenses, or dental prosthesis. 25905

(KKK)(1) "Fractional aircraft ownership program" means a 25906
program in which persons within an affiliated group sell and 25907
manage fractional ownership program aircraft, provided that at 25908
least one hundred airworthy aircraft are operated in the program 25909
and the program meets all of the following criteria: 25910

(a) Management services are provided by at least one program 25911
manager within an affiliated group on behalf of the fractional 25912
owners. 25913

(b) Each program aircraft is owned or possessed by at least 25914
one fractional owner. 25915

(c) Each fractional owner owns or possesses at least a 25916
one-sixteenth interest in at least one fixed-wing program 25917
aircraft. 25918

(d) A dry-lease aircraft interchange arrangement is in effect 25919
among all of the fractional owners. 25920

(e) Multi-year program agreements are in effect regarding the 25921
fractional ownership, management services, and dry-lease aircraft 25922

interchange arrangement aspects of the program.	25923
(2) As used in division (KKK)(1) of this section:	25924
(a) "Affiliated group" has the same meaning as in division	25925
(B)(3)(e) of this section.	25926
(b) "Fractional owner" means a person that owns or possesses	25927
at least a one-sixteenth interest in a program aircraft and has	25928
entered into the agreements described in division (KKK)(1)(e) of	25929
this section.	25930
(c) "Fractional ownership program aircraft" or "program	25931
aircraft" means a turbojet aircraft that is owned or possessed by	25932
a fractional owner and that has been included in a dry-lease	25933
aircraft interchange arrangement and agreement under divisions	25934
(KKK)(1)(d) and (e) of this section, or an aircraft a program	25935
manager owns or possesses primarily for use in a fractional	25936
aircraft ownership program.	25937
(d) "Management services" means administrative and aviation	25938
support services furnished under a fractional aircraft ownership	25939
program in accordance with a management services agreement under	25940
division (KKK)(1)(e) of this section, and offered by the program	25941
manager to the fractional owners, including, at a minimum, the	25942
establishment and implementation of safety guidelines; the	25943
coordination of the scheduling of the program aircraft and crews;	25944
program aircraft maintenance; program aircraft insurance; crew	25945
training for crews employed, furnished, or contracted by the	25946
program manager or the fractional owner; the satisfaction of	25947
record-keeping requirements; and the development and use of an	25948
operations manual and a maintenance manual for the fractional	25949
aircraft ownership program.	25950
(e) "Program manager" means the person that offers management	25951
services to fractional owners pursuant to a management services	25952
agreement under division (KKK)(1)(e) of this section.	25953

(LLL) "Electronic publishing" means providing access to one 25954
or more of the following primarily for business customers, 25955
including the federal government or a state government or a 25956
political subdivision thereof, to conduct research: news; 25957
business, financial, legal, consumer, or credit materials; 25958
editorials, columns, reader commentary, or features; photos or 25959
images; archival or research material; legal notices, identity 25960
verification, or public records; scientific, educational, 25961
instructional, technical, professional, trade, or other literary 25962
materials; or other similar information which has been gathered 25963
and made available by the provider to the consumer in an 25964
electronic format. Providing electronic publishing includes the 25965
functions necessary for the acquisition, formatting, editing, 25966
storage, and dissemination of data or information that is the 25967
subject of a sale. 25968

Sec. 5739.02. For the purpose of providing revenue with which 25969
to meet the needs of the state, for the use of the general revenue 25970
fund of the state, for the purpose of securing a thorough and 25971
efficient system of common schools throughout the state, for the 25972
purpose of affording revenues, in addition to those from general 25973
property taxes, permitted under constitutional limitations, and 25974
from other sources, for the support of local governmental 25975
functions, and for the purpose of reimbursing the state for the 25976
expense of administering this chapter, an excise tax is hereby 25977
levied on each retail sale made in this state. 25978

(A)(1) The tax shall be collected as provided in section 25979
5739.025 of the Revised Code, ~~provided that on and after July 1,~~ 25980
~~2003, and on or before June 30, 2005, the rate of tax shall be six~~ 25981
~~per cent. On and after July 1, 2005, the~~ The rate of the tax 25982
shall be five and one-half per cent. The tax applies and is 25983
collectible when the sale is made, regardless of the time when the 25984
price is paid or delivered. 25985

(2) In the case of the lease or rental, with a fixed term of 25986
more than thirty days or an indefinite term with a minimum period 25987
of more than thirty days, of any motor vehicles designed by the 25988
manufacturer to carry a load of not more than one ton, watercraft, 25989
outboard motor, or aircraft, or of any tangible personal property, 25990
other than motor vehicles designed by the manufacturer to carry a 25991
load of more than one ton, to be used by the lessee or renter 25992
primarily for business purposes, the tax shall be collected by the 25993
vendor at the time the lease or rental is consummated and shall be 25994
calculated by the vendor on the basis of the total amount to be 25995
paid by the lessee or renter under the lease agreement. If the 25996
total amount of the consideration for the lease or rental includes 25997
amounts that are not calculated at the time the lease or rental is 25998
executed, the tax shall be calculated and collected by the vendor 25999
at the time such amounts are billed to the lessee or renter. In 26000
the case of an open-end lease or rental, the tax shall be 26001
calculated by the vendor on the basis of the total amount to be 26002
paid during the initial fixed term of the lease or rental, and for 26003
each subsequent renewal period as it comes due. As used in this 26004
division, "motor vehicle" has the same meaning as in section 26005
4501.01 of the Revised Code, and "watercraft" includes an outdrive 26006
unit attached to the watercraft. 26007

A lease with a renewal clause and a termination penalty or 26008
similar provision that applies if the renewal clause is not 26009
exercised is presumed to be a sham transaction. In such a case, 26010
the tax shall be calculated and paid on the basis of the entire 26011
length of the lease period, including any renewal periods, until 26012
the termination penalty or similar provision no longer applies. 26013
The taxpayer shall bear the burden, by a preponderance of the 26014
evidence, that the transaction or series of transactions is not a 26015
sham transaction. 26016

(3) Except as provided in division (A)(2) of this section, in 26017

the case of a sale, the price of which consists in whole or in part of the lease or rental of tangible personal property, the tax shall be measured by the installments of that lease or rental.

(4) In the case of a sale of a physical fitness facility service or recreation and sports club service, the price of which consists in whole or in part of a membership for the receipt of the benefit of the service, the tax applicable to the sale shall be measured by the installments thereof.

(B) The tax does not apply to the following:

(1) Sales to the state or any of its political subdivisions, or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions;

(2) Sales of food for human consumption off the premises where sold;

(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;

(4) Sales of newspapers and of magazine subscriptions and sales or transfers of magazines distributed as controlled circulation publications;

(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;

(6) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A) of section 5735.14 of the Revised Code; and the tax commissioner

may deduct the amount of tax levied by this section applicable to 26048
the price of motor fuel when granting a refund of motor fuel tax 26049
pursuant to division (A) of section 5735.14 of the Revised Code 26050
and shall cause the amount deducted to be paid into the general 26051
revenue fund of this state; 26052

(7) Sales of natural gas by a natural gas company, of water 26053
by a water-works company, or of steam by a heating company, if in 26054
each case the thing sold is delivered to consumers through pipes 26055
or conduits, and all sales of communications services by a 26056
telegraph company, all terms as defined in section 5727.01 of the 26057
Revised Code, and sales of electricity delivered through wires; 26058

(8) Casual sales by a person, or auctioneer employed directly 26059
by the person to conduct such sales, except as to such sales of 26060
motor vehicles, watercraft or outboard motors required to be 26061
titled under section 1548.06 of the Revised Code, watercraft 26062
documented with the United States coast guard, snowmobiles, and 26063
all-purpose vehicles as defined in section 4519.01 of the Revised 26064
Code; 26065

(9)(a) Sales of services or tangible personal property, other 26066
than motor vehicles, mobile homes, and manufactured homes, by 26067
churches, organizations exempt from taxation under section 26068
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 26069
organizations operated exclusively for charitable purposes as 26070
defined in division (B)(12) of this section, provided that the 26071
number of days on which such tangible personal property or 26072
services, other than items never subject to the tax, are sold does 26073
not exceed six in any calendar year, except as otherwise provided 26074
in division (B)(9)(b) of this section. If the number of days on 26075
which such sales are made exceeds six in any calendar year, the 26076
church or organization shall be considered to be engaged in 26077
business and all subsequent sales by it shall be subject to the 26078
tax. In counting the number of days, all sales by groups within a 26079

church or within an organization shall be considered to be sales 26080
of that church or organization. 26081

(b) The limitation on the number of days on which tax-exempt 26082
sales may be made by a church or organization under division 26083
(B)(9)(a) of this section does not apply to sales made by student 26084
clubs and other groups of students of a primary or secondary 26085
school, or a parent-teacher association, booster group, or similar 26086
organization that raises money to support or fund curricular or 26087
extracurricular activities of a primary or secondary school. 26088

(c) Divisions (B)(9)(a) and (b) of this section do not apply 26089
to sales by a noncommercial educational radio or television 26090
broadcasting station. 26091

(10) Sales not within the taxing power of this state under 26092
the Constitution of the United States; 26093

(11) Except for transactions that are sales under division 26094
(B)(3)(r) of section 5739.01 of the Revised Code, the 26095
transportation of persons or property, unless the transportation 26096
is by a private investigation and security service; 26097

(12) Sales of tangible personal property or services to 26098
churches, to organizations exempt from taxation under section 26099
501(c)(3) of the Internal Revenue Code of 1986, and to any other 26100
nonprofit organizations operated exclusively for charitable 26101
purposes in this state, no part of the net income of which inures 26102
to the benefit of any private shareholder or individual, and no 26103
substantial part of the activities of which consists of carrying 26104
on propaganda or otherwise attempting to influence legislation; 26105
sales to offices administering one or more homes for the aged or 26106
one or more hospital facilities exempt under section 140.08 of the 26107
Revised Code; and sales to organizations described in division (D) 26108
of section 5709.12 of the Revised Code. 26109

"Charitable purposes" means the relief of poverty; the 26110

improvement of health through the alleviation of illness, disease, 26111
or injury; the operation of an organization exclusively for the 26112
provision of professional, laundry, printing, and purchasing 26113
services to hospitals or charitable institutions; the operation of 26114
a home for the aged, as defined in section 5701.13 of the Revised 26115
Code; the operation of a radio or television broadcasting station 26116
that is licensed by the federal communications commission as a 26117
noncommercial educational radio or television station; the 26118
operation of a nonprofit animal adoption service or a county 26119
humane society; the promotion of education by an institution of 26120
learning that maintains a faculty of qualified instructors, 26121
teaches regular continuous courses of study, and confers a 26122
recognized diploma upon completion of a specific curriculum; the 26123
operation of a parent-teacher association, booster group, or 26124
similar organization primarily engaged in the promotion and 26125
support of the curricular or extracurricular activities of a 26126
primary or secondary school; the operation of a community or area 26127
center in which presentations in music, dramatics, the arts, and 26128
related fields are made in order to foster public interest and 26129
education therein; the production of performances in music, 26130
dramatics, and the arts; or the promotion of education by an 26131
organization engaged in carrying on research in, or the 26132
dissemination of, scientific and technological knowledge and 26133
information primarily for the public. 26134

Nothing in this division shall be deemed to exempt sales to 26135
any organization for use in the operation or carrying on of a 26136
trade or business, or sales to a home for the aged for use in the 26137
operation of independent living facilities as defined in division 26138
(A) of section 5709.12 of the Revised Code. 26139

(13) Building and construction materials and services sold to 26140
construction contractors for incorporation into a structure or 26141
improvement to real property under a construction contract with 26142

this state or a political subdivision of this state, or with the 26143
United States government or any of its agencies; building and 26144
construction materials and services sold to construction 26145
contractors for incorporation into a structure or improvement to 26146
real property that are accepted for ownership by this state or any 26147
of its political subdivisions, or by the United States government 26148
or any of its agencies at the time of completion of the structures 26149
or improvements; building and construction materials sold to 26150
construction contractors for incorporation into a horticulture 26151
structure or livestock structure for a person engaged in the 26152
business of horticulture or producing livestock; building 26153
materials and services sold to a construction contractor for 26154
incorporation into a house of public worship or religious 26155
education, or a building used exclusively for charitable purposes 26156
under a construction contract with an organization whose purpose 26157
is as described in division (B)(12) of this section; building 26158
materials and services sold to a construction contractor for 26159
incorporation into a building under a construction contract with 26160
an organization exempt from taxation under section 501(c)(3) of 26161
the Internal Revenue Code of 1986 when the building is to be used 26162
exclusively for the organization's exempt purposes; building and 26163
construction materials sold for incorporation into the original 26164
construction of a sports facility under section 307.696 of the 26165
Revised Code; and building and construction materials and services 26166
sold to a construction contractor for incorporation into real 26167
property outside this state if such materials and services, when 26168
sold to a construction contractor in the state in which the real 26169
property is located for incorporation into real property in that 26170
state, would be exempt from a tax on sales levied by that state; 26171

(14) Sales of ships or vessels or rail rolling stock used or 26172
to be used principally in interstate or foreign commerce, and 26173
repairs, alterations, fuel, and lubricants for such ships or 26174
vessels or rail rolling stock; 26175

(15) Sales to persons primarily engaged in any of the 26176
activities mentioned in division (B)(42)(a) or (g) of this 26177
section, to persons engaged in making retail sales, or to persons 26178
who purchase for sale from a manufacturer tangible personal 26179
property that was produced by the manufacturer in accordance with 26180
specific designs provided by the purchaser, of packages, including 26181
material, labels, and parts for packages, and of machinery, 26182
equipment, and material for use primarily in packaging tangible 26183
personal property produced for sale, including any machinery, 26184
equipment, and supplies used to make labels or packages, to 26185
prepare packages or products for labeling, or to label packages or 26186
products, by or on the order of the person doing the packaging, or 26187
sold at retail. "Packages" includes bags, baskets, cartons, 26188
crates, boxes, cans, bottles, bindings, wrappings, and other 26189
similar devices and containers, but does not include motor 26190
vehicles or bulk tanks, trailers, or similar devices attached to 26191
motor vehicles. "Packaging" means placing in a package. Division 26192
(B)(15) of this section does not apply to persons engaged in 26193
highway transportation for hire. 26194

(16) Sales of food to persons using food stamp benefits to 26195
purchase the food. As used in this division, "food" has the same 26196
meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 26197
2012, as amended, and federal regulations adopted pursuant to that 26198
act. 26199

(17) Sales to persons engaged in farming, agriculture, 26200
horticulture, or floriculture, of tangible personal property for 26201
use or consumption directly in the production by farming, 26202
agriculture, horticulture, or floriculture of other tangible 26203
personal property for use or consumption directly in the 26204
production of tangible personal property for sale by farming, 26205
agriculture, horticulture, or floriculture; or material and parts 26206
for incorporation into any such tangible personal property for use 26207

or consumption in production; and of tangible personal property 26208
for such use or consumption in the conditioning or holding of 26209
products produced by and for such use, consumption, or sale by 26210
persons engaged in farming, agriculture, horticulture, or 26211
floriculture, except where such property is incorporated into real 26212
property; 26213

(18) Sales of drugs for a human being that may be dispensed 26214
only pursuant to a prescription; insulin as recognized in the 26215
official United States pharmacopoeia; urine and blood testing 26216
materials when used by diabetics or persons with hypoglycemia to 26217
test for glucose or acetone; hypodermic syringes and needles when 26218
used by diabetics for insulin injections; epoetin alfa when 26219
purchased for use in the treatment of persons with medical 26220
disease; hospital beds when purchased by hospitals, nursing homes, 26221
or other medical facilities; and medical oxygen and medical 26222
oxygen-dispensing equipment when purchased by hospitals, nursing 26223
homes, or other medical facilities; 26224

(19) Sales of prosthetic devices, durable medical equipment 26225
for home use, or mobility enhancing equipment, when made pursuant 26226
to a prescription and when such devices or equipment are for use 26227
by a human being. 26228

(20) Sales of emergency and fire protection vehicles and 26229
equipment to nonprofit organizations for use solely in providing 26230
fire protection and emergency services, including trauma care and 26231
emergency medical services, for political subdivisions of the 26232
state; 26233

(21) Sales of tangible personal property manufactured in this 26234
state, if sold by the manufacturer in this state to a retailer for 26235
use in the retail business of the retailer outside of this state 26236
and if possession is taken from the manufacturer by the purchaser 26237
within this state for the sole purpose of immediately removing the 26238
same from this state in a vehicle owned by the purchaser; 26239

(22) Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities;

(23) Sales of motor vehicles to nonresidents of this state under the circumstances described in division (B) of section 5739.029 of the Revised Code;

(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment and parts therefor, except motor vehicles licensed to operate on public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for sale, when the plant or plants within or between which such transfers or shipments occur are operated by the same person. "Packages" includes containers, cases, baskets, flats, fillers, filler flats, cartons, closure materials, labels, and labeling materials, and "packaging" means placing therein.

(25)(a) Sales of water to a consumer for residential use, except the sale of bottled water, distilled water, mineral water, carbonated water, or ice;

(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.

(26) Fees charged for inspection or reinspection of motor

vehicles under section 3704.14 of the Revised Code;	26271
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	26272
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	26275
(a) To prepare food for human consumption for sale;	26276
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	26277
	26278
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	26280
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	26281
	26282
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	26283
	26284
(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;	26285
	26286
	26287
	26288
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	26289
	26290
	26291
(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;	26292
	26293
	26294
(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;	26295
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(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;

(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 recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B)(42)(a) of this section to which the vendor may otherwise be entitled, based upon the use of the thing purchased in providing the telecommunications, mobile telecommunications, or satellite broadcasting service.

(35)(a) Sales where the purpose of the consumer is to use or consume the things transferred in making retail sales and consisting of newspaper inserts, catalogues, coupons, flyers, gift certificates, or other advertising material that prices and describes tangible personal property offered for retail sale.

(b) Sales to direct marketing vendors of preliminary materials such as photographs, artwork, and typesetting that will be used in printing advertising material; of printed matter that offers free merchandise or chances to win sweepstake prizes and that is mailed to potential customers with advertising material described in division (B)(35)(a) of this section; and of equipment such as telephones, computers, facsimile machines, and similar

tangible personal property primarily used to accept orders for 26333
direct marketing retail sales. 26334

(c) Sales of automatic food vending machines that preserve 26335
food with a shelf life of forty-five days or less by refrigeration 26336
and dispense it to the consumer. 26337

For purposes of division (B)(35) of this section, "direct 26338
marketing" means the method of selling where consumers order 26339
tangible personal property by United States mail, delivery 26340
service, or telecommunication and the vendor delivers or ships the 26341
tangible personal property sold to the consumer from a warehouse, 26342
catalogue distribution center, or similar fulfillment facility by 26343
means of the United States mail, delivery service, or common 26344
carrier. 26345

(36) Sales to a person engaged in the business of 26346
horticulture or producing livestock of materials to be 26347
incorporated into a horticulture structure or livestock structure; 26348

(37) Sales of personal computers, computer monitors, computer 26349
keyboards, modems, and other peripheral computer equipment to an 26350
individual who is licensed or certified to teach in an elementary 26351
or a secondary school in this state for use by that individual in 26352
preparation for teaching elementary or secondary school students; 26353

(38) Sales to a professional racing team of any of the 26354
following: 26355

(a) Motor racing vehicles; 26356

(b) Repair services for motor racing vehicles; 26357

(c) Items of property that are attached to or incorporated in 26358
motor racing vehicles, including engines, chassis, and all other 26359
components of the vehicles, and all spare, replacement, and 26360
rebuilt parts or components of the vehicles; except not including 26361
tires, consumable fluids, paint, and accessories consisting of 26362

instrumentation sensors and related items added to the vehicle to 26363
collect and transmit data by means of telemetry and other forms of 26364
communication. 26365

(39) Sales of used manufactured homes and used mobile homes, 26366
as defined in section 5739.0210 of the Revised Code, made on or 26367
after January 1, 2000; 26368

(40) Sales of tangible personal property and services to a 26369
provider of electricity used or consumed directly and primarily in 26370
generating, transmitting, or distributing electricity for use by 26371
others, including property that is or is to be incorporated into 26372
and will become a part of the consumer's production, transmission, 26373
or distribution system and that retains its classification as 26374
tangible personal property after incorporation; fuel or power used 26375
in the production, transmission, or distribution of electricity; 26376
and tangible personal property and services used in the repair and 26377
maintenance of the production, transmission, or distribution 26378
system, including only those motor vehicles as are specially 26379
designed and equipped for such use. The exemption provided in this 26380
division shall be in lieu of all other exemptions in division 26381
(B)(42)(a) of this section to which a provider of electricity may 26382
otherwise be entitled based on the use of the tangible personal 26383
property or service purchased in generating, transmitting, or 26384
distributing electricity. 26385

(41) Sales to a person providing services under division 26386
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 26387
personal property and services used directly and primarily in 26388
providing taxable services under that section. 26389

(42) Sales where the purpose of the purchaser is to do any of 26390
the following: 26391

(a) To incorporate the thing transferred as a material or a 26392
part into tangible personal property to be produced for sale by 26393

manufacturing, assembling, processing, or refining; or to use or 26394
consume the thing transferred directly in producing tangible 26395
personal property for sale by mining, including, without 26396
limitation, the extraction from the earth of all substances that 26397
are classed geologically as minerals, production of crude oil and 26398
natural gas, farming, agriculture, horticulture, or floriculture, 26399
or directly in the rendition of a public utility service, except 26400
that the sales tax levied by this section shall be collected upon 26401
all meals, drinks, and food for human consumption sold when 26402
transporting persons. Persons engaged in rendering farming, 26403
agricultural, horticultural, or floricultural services, and 26404
services in the exploration for, and production of, crude oil and 26405
natural gas, for others are deemed engaged directly in farming, 26406
agriculture, horticulture, and floriculture, or exploration for, 26407
and production of, crude oil and natural gas. This paragraph does 26408
not exempt from "retail sale" or "sales at retail" the sale of 26409
tangible personal property that is to be incorporated into a 26410
structure or improvement to real property. 26411

(b) To hold the thing transferred as security for the 26412
performance of an obligation of the vendor; 26413

(c) To resell, hold, use, or consume the thing transferred as 26414
evidence of a contract of insurance; 26415

(d) To use or consume the thing directly in commercial 26416
fishing; 26417

(e) To incorporate the thing transferred as a material or a 26418
part into, or to use or consume the thing transferred directly in 26419
the production of, magazines distributed as controlled circulation 26420
publications; 26421

(f) To use or consume the thing transferred in the production 26422
and preparation in suitable condition for market and sale of 26423
printed, imprinted, overprinted, lithographic, multilithic, 26424

blueprinted, photostatic, or other productions or reproductions of 26425
written or graphic matter; 26426

(g) To use the thing transferred, as described in section 26427
5739.011 of the Revised Code, primarily in a manufacturing 26428
operation to produce tangible personal property for sale; 26429

(h) To use the benefit of a warranty, maintenance or service 26430
contract, or similar agreement, as described in division (B)(7) of 26431
section 5739.01 of the Revised Code, to repair or maintain 26432
tangible personal property, if all of the property that is the 26433
subject of the warranty, contract, or agreement would not be 26434
subject to the tax imposed by this section; 26435

(i) To use the thing transferred as qualified research and 26436
development equipment; 26437

(j) To use or consume the thing transferred primarily in 26438
storing, transporting, mailing, or otherwise handling purchased 26439
sales inventory in a warehouse, distribution center, or similar 26440
facility when the inventory is primarily distributed outside this 26441
state to retail stores of the person who owns or controls the 26442
warehouse, distribution center, or similar facility, to retail 26443
stores of an affiliated group of which that person is a member, or 26444
by means of direct marketing. This division does not apply to 26445
motor vehicles registered for operation on the public highways. As 26446
used in this division, "affiliated group" has the same meaning as 26447
in division (B)(3)(e) of section 5739.01 of the Revised Code and 26448
"direct marketing" has the same meaning as in division (B)(35) of 26449
this section. 26450

(k) To use or consume the thing transferred to fulfill a 26451
contractual obligation incurred by a warrantor pursuant to a 26452
warranty provided as a part of the price of the tangible personal 26453
property sold or by a vendor of a warranty, maintenance or service 26454
contract, or similar agreement the provision of which is defined 26455

as a sale under division (B)(7) of section 5739.01 of the Revised Code; 26456
26457

(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public; 26458
26459

(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; 26460
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(n) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing. 26465
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As used in division (B)(42) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code. 26468
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(43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction. 26471
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(44) Sales of replacement and modification parts for engines, airframes, instruments, and interiors in, and paint for, aircraft used primarily in a fractional aircraft ownership program, and sales of services for the repair, modification, and maintenance of such aircraft, and machinery, equipment, and supplies primarily used to provide those services. 26478
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(45) Sales of telecommunications service that is used directly and primarily to perform the functions of a call center. 26484
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As used in this division, "call center" means any physical 26486

location where telephone calls are placed or received in high 26487
volume for the purpose of making sales, marketing, customer 26488
service, technical support, or other specialized business 26489
activity, and that employs at least fifty individuals that engage 26490
in call center activities on a full-time basis, or sufficient 26491
individuals to fill fifty full-time equivalent positions. 26492

(46) Sales by a telecommunications service vendor of 900 26493
service to a subscriber. This division does not apply to 26494
information services, as defined in division (FF) of section 26495
5739.01 of the Revised Code. 26496

(47) Sales of value-added non-voice data service. This 26497
division does not apply to any similar service that is not 26498
otherwise a telecommunications service. 26499

(48)(a) Sales of machinery, equipment, and software to a 26500
qualified direct selling entity for use in a warehouse or 26501
distribution center primarily for storing, transporting, or 26502
otherwise handling inventory that is held for sale to independent 26503
salespersons who operate as direct sellers and that is held 26504
primarily for distribution outside this state; 26505

(b) As used in division (B)(48)(a) of this section: 26506

(i) "Direct seller" means a person selling consumer products 26507
to individuals for personal or household use and not from a fixed 26508
retail location, including selling such product at in-home product 26509
demonstrations, parties, and other one-on-one selling. 26510

(ii) "Qualified direct selling entity" means an entity 26511
selling to direct sellers at the time the entity enters into a tax 26512
credit agreement with the tax credit authority pursuant to section 26513
122.17 of the Revised Code, provided that the agreement was 26514
entered into on or after January 1, 2007. Neither contingencies 26515
relevant to the granting of, nor later developments with respect 26516
to, the tax credit shall impair the status of the qualified direct 26517

selling entity under division (B)(48) of this section after 26518
execution of the tax credit agreement by the tax credit authority. 26519

(c) Division (B)(48) of this section is limited to machinery, 26520
equipment, and software first stored, used, or consumed in this 26521
state within the period commencing with the effective date of the 26522
amendment of this section by the capital appropriations act of the 26523
127th general assembly and ending on the date that is five years 26524
after that effective date. 26525

(49) Sales of materials, parts, equipment, or engines used in 26526
the repair or maintenance of aircraft or avionics systems of such 26527
aircraft, and sales of repair, remodeling, replacement, or 26528
maintenance services at a federal aviation administration 26529
certified repair station in this state performed on aircraft or on 26530
an aircraft's avionics, engine, or component materials or parts. 26531
As used in division (B)(49) of this section, "aircraft" means 26532
aircraft of more than six thousand pounds maximum certified 26533
takeoff weight or used exclusively in general aviation. 26534

(50) Sales of full flight simulators that are used for pilot 26535
or flight-crew training, sales of repair or replacement parts or 26536
components, and sales of repair or maintenance services for such 26537
full flight simulators. "Full flight simulator" means a replica of 26538
a specific type, or make, model, and series of aircraft cockpit. 26539
It includes the assemblage of equipment and computer programs 26540
necessary to represent aircraft operations in ground and flight 26541
conditions, a visual system providing an out-of-the-cockpit view, 26542
and a system that provides cues at least equivalent to those of a 26543
three-degree-of-freedom motion system, and has the full range of 26544
capabilities of the systems installed in the device as described 26545
in appendices A and B of part 60 of chapter 1 of title 14 of the 26546
Code of Federal Regulations. 26547

(C) For the purpose of the proper administration of this 26548
26549

chapter, and to prevent the evasion of the tax, it is presumed 26550
that all sales made in this state are subject to the tax until the 26551
contrary is established. 26552

(D) The levy of this tax on retail sales of recreation and 26553
sports club service shall not prevent a municipal corporation from 26554
levying any tax on recreation and sports club dues or on any 26555
income generated by recreation and sports club dues. 26556

(E) The tax collected by the vendor from the consumer under 26557
this chapter is not part of the price, but is a tax collection for 26558
the benefit of the state, and of counties levying an additional 26559
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 26560
Code and of transit authorities levying an additional sales tax 26561
pursuant to section 5739.023 of the Revised Code. Except for the 26562
discount authorized under section 5739.12 of the Revised Code and 26563
the effects of any rounding pursuant to section 5703.055 of the 26564
Revised Code, no person other than the state or such a county or 26565
transit authority shall derive any benefit from the collection or 26566
payment of the tax levied by this section or section 5739.021, 26567
5739.023, or 5739.026 of the Revised Code. 26568

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 26569
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 26570
5741.023 of the Revised Code, and except as otherwise provided in 26571
division (B) of this section, the tax due under this chapter on 26572
the sale of a motor vehicle required to be titled under Chapter 26573
4505. of the Revised Code by a motor vehicle dealer to a consumer 26574
that is a nonresident of this state shall be the lesser of the 26575
amount of tax that would be due under this chapter and Chapter 26576
5741. of the Revised Code if the total combined rate were six per 26577
cent, or the amount of tax that would be due⁷ to the state in 26578
which the consumer titles or registers the motor vehicle or to 26579
which the consumer removes the vehicle for use. 26580

(B) No tax is due under this section, any other section of this chapter, or Chapter 5741. of the Revised Code under any of the following circumstances:

(1)(a) The consumer intends to immediately remove the motor vehicle from this state for use outside this state;

(b) Upon removal of the motor vehicle from this state, the consumer intends to title or register the vehicle in another state if such titling or registration is required;

(c) The consumer executes an affidavit as required under division (C) of this section affirming the consumer's intentions under divisions (B)(1)(a) and (b) of this section; and

(d) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use provides an exemption under circumstances substantially similar to those described in division (B)(1) of this section.

(2) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not provide a credit against its sales or use tax or similar excise tax for sales or use tax paid to this state.

(3) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not impose a sales or use tax or similar excise tax on the ownership or use of motor vehicles.

(C) Any nonresident consumer that purchases a motor vehicle from a motor vehicle dealer in this state under the circumstances described in divisions (B)(1)(a) and (b) of this section shall execute an affidavit affirming the intentions described in those divisions. The affidavit shall be executed in triplicate and in the form specified by the tax commissioner. The affidavit shall be given to the motor vehicle dealer.

A motor vehicle dealer that accepts in good faith an affidavit presented under this division by a nonresident consumer may rely upon the representations made in the affidavit.

(D) A motor vehicle dealer making a sale subject to the tax under division (A) of this section shall collect the tax due unless the sale is subject to the exception under division (B) of this section or unless the sale is not otherwise subject to taxes levied under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code. In the case of a sale under the circumstances described in division (B)(1) of this section, the dealer shall retain one copy of the affidavit and file the original and the other copy with the clerk of the court of common pleas. If tax is due under division (A) of this section, the dealer shall remit the tax collected to the clerk at the time the dealer obtains the Ohio certificate of title in the name of the consumer as required under section 4505.06 of the Revised Code. The clerk shall forward the original affidavit to the tax commissioner in the manner prescribed by the commissioner.

Unless a sale is excepted from taxation under division (B) of this section, upon receipt of an application for certificate of title a clerk of the court of common pleas shall collect the sales tax due under division (A) of this section. The clerk shall remit the tax collected to the tax commissioner in the manner prescribed by the commissioner.

(E) If a motor vehicle is purchased by a corporation described in division (B)(6) of section 5739.01 of the Revised Code, the state of residence of the consumer for the purposes of this section is the state of residence of the corporation's principal shareholder.

(F) Any provision of this chapter or of Chapter 5741. of the Revised Code that is not inconsistent with this section applies to

sales described in division (A) of this section. 26643

(G) As used in this section: 26644

(1) For the purposes of this section only, the sale or 26645
purchase of a motor vehicle does not include a lease or rental of 26646
a motor vehicle subject to division (A)(2) or (3) of section 26647
5739.02 or division (A)(2) or (3) of section 5741.02 of the 26648
Revised Code; 26649

(2) "State," except in reference to "this state," means any 26650
state, district, commonwealth, or territory of the United States 26651
and any province of Canada. 26652

Sec. 5739.09. (A)(1) A board of county commissioners may, by 26653
resolution adopted by a majority of the members of the board, levy 26654
an excise tax not to exceed three per cent on transactions by 26655
which lodging by a hotel is or is to be furnished to transient 26656
guests. The board shall establish all regulations necessary to 26657
provide for the administration and allocation of the tax. The 26658
regulations may prescribe the time for payment of the tax, and may 26659
provide for the imposition of a penalty or interest, or both, for 26660
late payments, provided that the penalty does not exceed ten per 26661
cent of the amount of tax due, and the rate at which interest 26662
accrues does not exceed the rate per annum prescribed pursuant to 26663
section 5703.47 of the Revised Code. Except as provided in 26664
divisions (A)(2), (3), (4), (5), (6), and (7) of this section, the 26665
regulations shall provide, after deducting the real and actual 26666
costs of administering the tax, for the return to each municipal 26667
corporation or township that does not levy an excise tax on the 26668
transactions, a uniform percentage of the tax collected in the 26669
municipal corporation or in the unincorporated portion of the 26670
township from each transaction, not to exceed thirty-three and 26671
one-third per cent. The remainder of the revenue arising from the 26672
tax shall be deposited in a separate fund and shall be spent 26673

solely to make contributions to the convention and visitors' 26674
bureau operating within the county, including a pledge and 26675
contribution of any portion of the remainder pursuant to an 26676
agreement authorized by section 307.695 of the Revised Code, 26677
provided that if the board of county commissioners of an eligible 26678
county as defined in section 307.695 of the Revised Code adopts a 26679
resolution amending a resolution levying a tax under this division 26680
to provide that the revenue from the tax shall be used by the 26681
board as described in division (H) of section 307.695 of the 26682
Revised Code, the remainder of the revenue shall be used as 26683
described in the resolution making that amendment. Except as 26684
provided in division (A)(2), (3), (4), (5), (6), or (7) or (H) of 26685
this section, on and after May 10, 1994, a board of county 26686
commissioners may not levy an excise tax pursuant to this division 26687
in any municipal corporation or township located wholly or partly 26688
within the county that has in effect an ordinance or resolution 26689
levying an excise tax pursuant to division (B) of this section. 26690
The board of a county that has levied a tax under division (C) of 26691
this section may, by resolution adopted within ninety days after 26692
July 15, 1985, by a majority of the members of the board, amend 26693
the resolution levying a tax under this division to provide for a 26694
portion of that tax to be pledged and contributed in accordance 26695
with an agreement entered into under section 307.695 of the 26696
Revised Code. A tax, any revenue from which is pledged pursuant to 26697
such an agreement, shall remain in effect at the rate at which it 26698
is imposed for the duration of the period for which the revenue 26699
from the tax has been so pledged. 26700

The board of county commissioners of an eligible county as 26701
defined in section 307.695 of the Revised Code may, by resolution 26702
adopted by a majority of the members of the board, amend a 26703
resolution levying a tax under this division to provide that the 26704
revenue from the tax shall be used by the board as described in 26705
division (H) of section 307.695 of the Revised Code, in which case 26706

the tax shall remain in effect at the rate at which it was imposed 26707
for the duration of any agreement entered into by the board under 26708
section 307.695 of the Revised Code, the duration during which any 26709
securities issued by the board under that section are outstanding, 26710
or the duration of the period during which the board owns a 26711
project as defined in section 307.695 of the Revised Code, 26712
whichever duration is longest. 26713

(2) A board of county commissioners that levies an excise tax 26714
under division (A)(1) of this section on June 30, 1997, at a rate 26715
of three per cent, and that has pledged revenue from the tax to an 26716
agreement entered into under section 307.695 of the Revised Code 26717
or, in the case of the board of county commissioners of an 26718
eligible county as defined in section 307.695 of the Revised Code, 26719
has amended a resolution levying a tax under division (C) of this 26720
section to provide that proceeds from the tax shall be used by the 26721
board as described in division (H) of section 307.695 of the 26722
Revised Code, may, at any time by a resolution adopted by a 26723
majority of the members of the board, amend the resolution levying 26724
a tax under division (A)(1) of this section to provide for an 26725
increase in the rate of that tax up to seven per cent on each 26726
transaction; to provide that revenue from the increase in the rate 26727
shall be used as described in division (H) of section 307.695 of 26728
the Revised Code or be spent solely to make contributions to the 26729
convention and visitors' bureau operating within the county to be 26730
used specifically for promotion, advertising, and marketing of the 26731
region in which the county is located; and to provide that the 26732
rate in excess of the three per cent levied under division (A)(1) 26733
of this section shall remain in effect at the rate at which it is 26734
imposed for the duration of the period during which any agreement 26735
is in effect that was entered into under section 307.695 of the 26736
Revised Code by the board of county commissioners levying a tax 26737
under division (A)(1) of this section, the duration of the period 26738
during which any securities issued by the board under division (I) 26739

of section 307.695 of the Revised Code are outstanding, or the 26740
duration of the period during which the board owns a project as 26741
defined in section 307.695 of the Revised Code, whichever duration 26742
is longest. The amendment also shall provide that no portion of 26743
that revenue need be returned to townships or municipal 26744
corporations as would otherwise be required under division (A)(1) 26745
of this section. 26746

(3) A board of county commissioners that levies a tax under 26747
division (A)(1) of this section on March 18, 1999, at a rate of 26748
three per cent may, by resolution adopted not later than 26749
forty-five days after March 18, 1999, amend the resolution levying 26750
the tax to provide for all of the following: 26751

(a) That the rate of the tax shall be increased by not more 26752
than an additional four per cent on each transaction; 26753

(b) That all of the revenue from the increase in the rate 26754
shall be pledged and contributed to a convention facilities 26755
authority established by the board of county commissioners under 26756
Chapter 351. of the Revised Code on or before November 15, 1998, 26757
and used to pay costs of constructing, maintaining, operating, and 26758
promoting a facility in the county, including paying bonds, or 26759
notes issued in anticipation of bonds, as provided by that 26760
chapter; 26761

(c) That no portion of the revenue arising from the increase 26762
in rate need be returned to municipal corporations or townships as 26763
otherwise required under division (A)(1) of this section; 26764

(d) That the increase in rate shall not be subject to 26765
diminution by initiative or referendum or by law while any bonds, 26766
or notes in anticipation of bonds, issued by the authority under 26767
Chapter 351. of the Revised Code to which the revenue is pledged, 26768
remain outstanding in accordance with their terms, unless 26769
provision is made by law or by the board of county commissioners 26770

for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

Division (A)(3) of this section does not apply to the board of county commissioners of any county in which a convention center or facility exists or is being constructed on November 15, 1998, or of any county in which a convention facilities authority levies a tax pursuant to section 351.021 of the Revised Code on that date.

As used in division (A)(3) of this section, "cost" and "facility" have the same meanings as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(4)(a) A board of county commissioners that levies a tax under division (A)(1) of this section on June 30, 2002, at a rate of three per cent may, by resolution adopted not later than September 30, 2002, amend the resolution levying the tax to provide for all of the following:

~~(a)(i)~~ That the rate of the tax shall be increased by not more than an additional three and one-half per cent on each transaction;

~~(b)(ii)~~ That all of the revenue from the increase in rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before May 15, 2002, and be used to pay costs of constructing, expanding, maintaining, operating, or promoting a convention center in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

~~(c)(iii)~~ That no portion of the revenue arising from the increase in rate need be returned to municipal corporations or townships as otherwise required under division (A)(1) of this

section; 26802

~~(d)(iv)~~ That the increase in rate shall not be subject to 26803
diminution by initiative or referendum or by law while any bonds, 26804
or notes in anticipation of bonds, issued by the authority under 26805
Chapter 351. of the Revised Code to which the revenue is pledged, 26806
remain outstanding in accordance with their terms, unless 26807
provision is made by law or by the board of county commissioners 26808
for an adequate substitute therefor that is satisfactory to the 26809
trustee if a trust agreement secures the bonds. 26810

(b) Any board of county commissioners that, pursuant to 26811
division (A)(4)(a) of this section, has amended a resolution 26812
levying the tax authorized by division (A)(1) of this section may 26813
further amend the resolution to provide that the revenue referred 26814
to in division (A)(4)(a)(ii) of this section shall be pledged and 26815
contributed both to a convention facilities authority to pay the 26816
costs of constructing, expanding, maintaining, or operating one or 26817
more convention centers in the county, including paying bonds, or 26818
notes issued in anticipation of bonds, as provided in Chapter 351. 26819
of the Revised Code, and to a convention and visitors' bureau to 26820
pay the costs of promoting one or more convention centers in the 26821
county. 26822

As used in division (A)(4) of this section, "cost" has the 26823
same meaning as in section 351.01 of the Revised Code, and 26824
"convention center" has the same meaning as in section 307.695 of 26825
the Revised Code. 26826

(5)(a) As used in division (A)(5) of this section: 26827

(i) "Port authority" means a port authority created under 26828
Chapter 4582. of the Revised Code. 26829

(ii) "Port authority military-use facility" means port 26830
authority facilities on which or adjacent to which is located an 26831
installation of the armed forces of the United States, a reserve 26832

component thereof, or the national guard and at least part of 26833
which is made available for use, for consideration, by the armed 26834
forces of the United States, a reserve component thereof, or the 26835
national guard. 26836

(b) For the purpose of contributing revenue to pay operating 26837
expenses of a port authority that operates a port authority 26838
military-use facility, the board of county commissioners of a 26839
county that created, participated in the creation of, or has 26840
joined such a port authority may do one or both of the following: 26841

(i) Amend a resolution previously adopted under division 26842
(A)(1) of this section to designate some or all of the revenue 26843
from the tax levied under the resolution to be used for that 26844
purpose, notwithstanding that division; 26845

(ii) Amend a resolution previously adopted under division 26846
(A)(1) of this section to increase the rate of the tax by not more 26847
than an additional two per cent and use the revenue from the 26848
increase exclusively for that purpose. 26849

(c) If a board of county commissioners amends a resolution to 26850
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 26851
of this section, the board also may amend the resolution to 26852
specify that the increase in rate of the tax does not apply to 26853
"hotels," as otherwise defined in section 5739.01 of the Revised 26854
Code, having fewer rooms used for the accommodation of guests than 26855
a number of rooms specified by the board. 26856

(6) A board of county commissioners of a county organized 26857
under a county charter adopted pursuant to Article X, Section 3, 26858
Ohio Constitution, and that levies an excise tax under division 26859
(A)(1) of this section at a rate of three per cent and levies an 26860
additional excise tax under division (E) of this section at a rate 26861
of one and one-half per cent may, by resolution adopted not later 26862
than January 1, 2008, by a majority of the members of the board, 26863

amend the resolution levying a tax under division (A)(1) of this 26864
section to provide for an increase in the rate of that tax by not 26865
more than an additional one per cent on transactions by which 26866
lodging by a hotel is or is to be furnished to transient guests. 26867
Notwithstanding divisions (A)(1) and (E) of this section, the 26868
resolution shall provide that all of the revenue from the increase 26869
in rate, after deducting the real and actual costs of 26870
administering the tax, shall be used to pay the costs of 26871
improving, expanding, equipping, financing, or operating a 26872
convention center by a convention and visitors' bureau in the 26873
county. The increase in rate shall remain in effect for the period 26874
specified in the resolution, not to exceed ten years. The increase 26875
in rate shall be subject to the regulations adopted under division 26876
(A)(1) of this section, except that the resolution may provide 26877
that no portion of the revenue from the increase in the rate shall 26878
be returned to townships or municipal corporations as would 26879
otherwise be required under that division. 26880

(7) Division (A)(7) of this section applies only to a county 26881
with a population greater than sixty-five thousand and less than 26882
seventy thousand according to the most recent federal decennial 26883
census and in which, on December 31, 2006, an excise tax is levied 26884
under division (A)(1) of this section at a rate not less than and 26885
not greater than three per cent, and in which the most recent 26886
increase in the rate of that tax was enacted or took effect in 26887
November 1984. 26888

The board of county commissioners of a county to which this 26889
division applies, by resolution adopted by a majority of the 26890
members of the board, may increase the rate of the tax by not more 26891
than one per cent on transactions by which lodging by a hotel is 26892
or is to be furnished to transient guests. The increase in rate 26893
shall be for the purpose of paying expenses deemed necessary by 26894
the convention and visitors' bureau operating in the county to 26895

promote travel and tourism. The increase in rate shall remain in 26896
effect for the period specified in the resolution, not to exceed 26897
twenty years, provided that the increase in rate may not continue 26898
beyond the time when the purpose for which the increase is levied 26899
ceases to exist. If revenue from the increase in rate is pledged 26900
to the payment of debt charges on securities, the increase in rate 26901
is not subject to diminution by initiative or referendum or by law 26902
for so long as the securities are outstanding, unless provision is 26903
made by law or by the board of county commissioners for an 26904
adequate substitute for that revenue that is satisfactory to the 26905
trustee if a trust agreement secures payment of the debt charges. 26906
The increase in rate shall be subject to the regulations adopted 26907
under division (A)(1) of this section, except that the resolution 26908
may provide that no portion of the revenue from the increase in 26909
the rate shall be returned to townships or municipal corporations 26910
as would otherwise be required under division (A)(1) of this 26911
section. A resolution adopted under division (A)(7) of this 26912
section is subject to referendum under sections 305.31 to 305.99 26913
of the Revised Code. 26914

(B)(1) The legislative authority of a municipal corporation 26915
or the board of trustees of a township that is not wholly or 26916
partly located in a county that has in effect a resolution levying 26917
an excise tax pursuant to division (A)(1) of this section may, by 26918
ordinance or resolution, levy an excise tax not to exceed three 26919
per cent on transactions by which lodging by a hotel is or is to 26920
be furnished to transient guests. The legislative authority of the 26921
municipal corporation or the board of trustees of the township 26922
shall deposit at least fifty per cent of the revenue from the tax 26923
levied pursuant to this division into a separate fund, which shall 26924
be spent solely to make contributions to convention and visitors' 26925
bureaus operating within the county in which the municipal 26926
corporation or township is wholly or partly located, and the 26927
balance of that revenue shall be deposited in the general fund. 26928

The municipal corporation or township shall establish all 26929
regulations necessary to provide for the administration and 26930
allocation of the tax. The regulations may prescribe the time for 26931
payment of the tax, and may provide for the imposition of a 26932
penalty or interest, or both, for late payments, provided that the 26933
penalty does not exceed ten per cent of the amount of tax due, and 26934
the rate at which interest accrues does not exceed the rate per 26935
annum prescribed pursuant to section 5703.47 of the Revised Code. 26936
The levy of a tax under this division is in addition to any tax 26937
imposed on the same transaction by a municipal corporation or a 26938
township as authorized by division (A) of section 5739.08 of the 26939
Revised Code. 26940

(2)(a) The legislative authority of the most populous 26941
municipal corporation located wholly or partly in a county in 26942
which the board of county commissioners has levied a tax under 26943
division (A)(4) of this section may amend, on or before September 26944
30, 2002, that municipal corporation's ordinance or resolution 26945
that levies an excise tax on transactions by which lodging by a 26946
hotel is or is to be furnished to transient guests, to provide for 26947
all of the following: 26948

~~(a)~~(i) That the rate of the tax shall be increased by not 26949
more than an additional one per cent on each transaction; 26950

~~(b)~~(ii) That all of the revenue from the increase in rate 26951
shall be pledged and contributed to a convention facilities 26952
authority established by the board of county commissioners under 26953
Chapter 351. of the Revised Code on or before May 15, 2002, and be 26954
used to pay costs of constructing, expanding, maintaining, 26955
operating, or promoting a convention center in the county, 26956
including paying bonds, or notes issued in anticipation of bonds, 26957
as provided by that chapter; 26958

~~(c)~~(iii) That the increase in rate shall not be subject to 26959
diminution by initiative or referendum or by law while any bonds, 26960

or notes in anticipation of bonds, issued by the authority under 26961
Chapter 351. of the Revised Code to which the revenue is pledged, 26962
remain outstanding in accordance with their terms, unless 26963
provision is made by law, by the board of county commissioners, or 26964
by the legislative authority, for an adequate substitute therefor 26965
that is satisfactory to the trustee if a trust agreement secures 26966
the bonds. 26967

(b) The legislative authority of a municipal corporation 26968
that, pursuant to division (B)(2)(a) of this section, has amended 26969
its ordinance or resolution to increase the rate of the tax 26970
authorized by division (B)(1) of this section may further amend 26971
the ordinance or resolution to provide that the revenue referred 26972
to in division (B)(2)(a)(ii) of this section shall be pledged and 26973
contributed both to a convention facilities authority to pay the 26974
costs of constructing, expanding, maintaining, or operating one or 26975
more convention centers in the county, including paying bonds, or 26976
notes issued in anticipation of bonds, as provided in Chapter 351. 26977
of the Revised Code, and to a convention and visitors' bureau to 26978
pay the costs of promoting one or more convention centers in the 26979
county. 26980

As used in division (B)(2) of this section, "cost" has the 26981
same meaning as in section 351.01 of the Revised Code, and 26982
"convention center" has the same meaning as in section 307.695 of 26983
the Revised Code. 26984

(C) For the purposes described in section 307.695 of the 26985
Revised Code and to cover the costs of administering the tax, a 26986
board of county commissioners of a county where a tax imposed 26987
under division (A)(1) of this section is in effect may, by 26988
resolution adopted within ninety days after July 15, 1985, by a 26989
majority of the members of the board, levy an additional excise 26990
tax not to exceed three per cent on transactions by which lodging 26991
by a hotel is or is to be furnished to transient guests. The tax 26992

authorized by this division shall be in addition to any tax that 26993
is levied pursuant to division (A) of this section, but it shall 26994
not apply to transactions subject to a tax levied by a municipal 26995
corporation or township pursuant to the authorization granted by 26996
division (A) of section 5739.08 of the Revised Code. The board 26997
shall establish all regulations necessary to provide for the 26998
administration and allocation of the tax. The regulations may 26999
prescribe the time for payment of the tax, and may provide for the 27000
imposition of a penalty or interest, or both, for late payments, 27001
provided that the penalty does not exceed ten per cent of the 27002
amount of tax due, and the rate at which interest accrues does not 27003
exceed the rate per annum prescribed pursuant to section 5703.47 27004
of the Revised Code. All revenues arising from the tax shall be 27005
expended in accordance with section 307.695 of the Revised Code. 27006
The board of county commissioners of an eligible county as defined 27007
in section 307.695 of the Revised Code may, by resolution adopted 27008
by a majority of the members of the board, amend the resolution 27009
levying a tax under this division to provide that the revenue from 27010
the tax shall be used by the board as described in division (H) of 27011
section 307.695 of the Revised Code. A tax imposed under this 27012
division shall remain in effect at the rate at which it is imposed 27013
for the duration of the period during which any agreement entered 27014
into by the board under section 307.695 of the Revised Code is in 27015
effect, the duration of the period during which any securities 27016
issued by the board under division (I) of section 307.695 of the 27017
Revised Code are outstanding, or the duration of the period during 27018
which the board owns a project as defined in section 307.695 of 27019
the Revised Code, whichever duration is longest. 27020

(D) For the purpose of providing contributions under division 27021
(B)(1) of section 307.671 of the Revised Code to enable the 27022
acquisition, construction, and equipping of a port authority 27023
educational and cultural facility in the county and, to the extent 27024
provided for in the cooperative agreement authorized by that 27025

section, for the purpose of paying debt service charges on bonds, 27026
or notes in anticipation of bonds, described in division (B)(1)(b) 27027
of that section, a board of county commissioners, by resolution 27028
adopted within ninety days after December 22, 1992, by a majority 27029
of the members of the board, may levy an additional excise tax not 27030
to exceed one and one-half per cent on transactions by which 27031
lodging by a hotel is or is to be furnished to transient guests. 27032
The excise tax authorized by this division shall be in addition to 27033
any tax that is levied pursuant to divisions (A), (B), and (C) of 27034
this section, to any excise tax levied pursuant to section 5739.08 27035
of the Revised Code, and to any excise tax levied pursuant to 27036
section 351.021 of the Revised Code. The board of county 27037
commissioners shall establish all regulations necessary to provide 27038
for the administration and allocation of the tax that are not 27039
inconsistent with this section or section 307.671 of the Revised 27040
Code. The regulations may prescribe the time for payment of the 27041
tax, and may provide for the imposition of a penalty or interest, 27042
or both, for late payments, provided that the penalty does not 27043
exceed ten per cent of the amount of tax due, and the rate at 27044
which interest accrues does not exceed the rate per annum 27045
prescribed pursuant to section 5703.47 of the Revised Code. All 27046
revenues arising from the tax shall be expended in accordance with 27047
section 307.671 of the Revised Code and division (D) of this 27048
section. The levy of a tax imposed under this division may not 27049
commence prior to the first day of the month next following the 27050
execution of the cooperative agreement authorized by section 27051
307.671 of the Revised Code by all parties to that agreement. The 27052
tax shall remain in effect at the rate at which it is imposed for 27053
the period of time described in division (C) of section 307.671 of 27054
the Revised Code for which the revenue from the tax has been 27055
pledged by the county to the corporation pursuant to that section, 27056
but, to any extent provided for in the cooperative agreement, for 27057
no lesser period than the period of time required for payment of 27058

the debt service charges on bonds, or notes in anticipation of 27059
bonds, described in division (B)(1)(b) of that section. 27060

(E) For the purpose of paying the costs of acquiring, 27061
constructing, equipping, and improving a municipal educational and 27062
cultural facility, including debt service charges on bonds 27063
provided for in division (B) of section 307.672 of the Revised 27064
Code, and for any additional purposes determined by the county in 27065
the resolution levying the tax or amendments to the resolution, 27066
including subsequent amendments providing for paying costs of 27067
acquiring, constructing, renovating, rehabilitating, equipping, 27068
and improving a port authority educational and cultural performing 27069
arts facility, as defined in section 307.674 of the Revised Code, 27070
and including debt service charges on bonds provided for in 27071
division (B) of section 307.674 of the Revised Code, the 27072
legislative authority of a county, by resolution adopted within 27073
ninety days after June 30, 1993, by a majority of the members of 27074
the legislative authority, may levy an additional excise tax not 27075
to exceed one and one-half per cent on transactions by which 27076
lodging by a hotel is or is to be furnished to transient guests. 27077
The excise tax authorized by this division shall be in addition to 27078
any tax that is levied pursuant to divisions (A), (B), (C), and 27079
(D) of this section, to any excise tax levied pursuant to section 27080
5739.08 of the Revised Code, and to any excise tax levied pursuant 27081
to section 351.021 of the Revised Code. The legislative authority 27082
of the county shall establish all regulations necessary to provide 27083
for the administration and allocation of the tax. The regulations 27084
may prescribe the time for payment of the tax, and may provide for 27085
the imposition of a penalty or interest, or both, for late 27086
payments, provided that the penalty does not exceed ten per cent 27087
of the amount of tax due, and the rate at which interest accrues 27088
does not exceed the rate per annum prescribed pursuant to section 27089
5703.47 of the Revised Code. All revenues arising from the tax 27090
shall be expended in accordance with section 307.672 of the 27091

Revised Code and this division. The levy of a tax imposed under 27092
this division shall not commence prior to the first day of the 27093
month next following the execution of the cooperative agreement 27094
authorized by section 307.672 of the Revised Code by all parties 27095
to that agreement. The tax shall remain in effect at the rate at 27096
which it is imposed for the period of time determined by the 27097
legislative authority of the county. That period of time shall not 27098
exceed fifteen years, except that the legislative authority of a 27099
county with a population of less than two hundred fifty thousand 27100
according to the most recent federal decennial census, by 27101
resolution adopted by a majority of its members before the 27102
original tax expires, may extend the duration of the tax for an 27103
additional period of time. The additional period of time by which 27104
a legislative authority extends a tax levied under this division 27105
shall not exceed fifteen years. 27106

(F) The legislative authority of a county that has levied a 27107
tax under division (E) of this section may, by resolution adopted 27108
within one hundred eighty days after January 4, 2001, by a 27109
majority of the members of the legislative authority, amend the 27110
resolution levying a tax under that division to provide for the 27111
use of the proceeds of that tax, to the extent that it is no 27112
longer needed for its original purpose as determined by the 27113
parties to a cooperative agreement amendment pursuant to division 27114
(D) of section 307.672 of the Revised Code, to pay costs of 27115
acquiring, constructing, renovating, rehabilitating, equipping, 27116
and improving a port authority educational and cultural performing 27117
arts facility, including debt service charges on bonds provided 27118
for in division (B) of section 307.674 of the Revised Code, and to 27119
pay all obligations under any guaranty agreements, reimbursement 27120
agreements, or other credit enhancement agreements described in 27121
division (C) of section 307.674 of the Revised Code. The 27122
resolution may also provide for the extension of the tax at the 27123
same rate for the longer of the period of time determined by the 27124

legislative authority of the county, but not to exceed an 27125
additional twenty-five years, or the period of time required to 27126
pay all debt service charges on bonds provided for in division (B) 27127
of section 307.672 of the Revised Code and on port authority 27128
revenue bonds provided for in division (B) of section 307.674 of 27129
the Revised Code. All revenues arising from the amendment and 27130
extension of the tax shall be expended in accordance with section 27131
307.674 of the Revised Code, this division, and division (E) of 27132
this section. 27133

(G) For purposes of a tax levied by a county, township, or 27134
municipal corporation under this section or section 5739.08 of the 27135
Revised Code, a board of county commissioners, board of township 27136
trustees, or the legislative authority of a municipal corporation 27137
may adopt a resolution or ordinance at any time specifying that 27138
"hotel," as otherwise defined in section 5739.01 of the Revised 27139
Code, includes establishments in which fewer than five rooms are 27140
used for the accommodation of guests. The resolution or ordinance 27141
may apply to a tax imposed pursuant to this section prior to the 27142
adoption of the resolution or ordinance if the resolution or 27143
ordinance so states, but the tax shall not apply to transactions 27144
by which lodging by such an establishment is provided to transient 27145
guests prior to the adoption of the resolution or ordinance. 27146

(H)(1) As used in this division: 27147

(a) "Convention facilities authority" has the same meaning as 27148
in section 351.01 of the Revised Code. 27149

(b) "Convention center" has the same meaning as in section 27150
307.695 of the Revised Code. 27151

(2) Notwithstanding any contrary provision of division (D) of 27152
this section, the legislative authority of a county with a 27153
population of one million or more according to the most recent 27154
federal decennial census that has levied a tax under division (D) 27155

of this section may, by resolution adopted by a majority of the 27156
members of the legislative authority, provide for the extension of 27157
such levy and may provide that the proceeds of that tax, to the 27158
extent that they are no longer needed for their original purpose 27159
as defined by a cooperative agreement entered into under section 27160
307.671 of the Revised Code, shall be deposited into the county 27161
general revenue fund. The resolution shall provide for the 27162
extension of the tax at a rate not to exceed the rate specified in 27163
division (D) of this section for a period of time determined by 27164
the legislative authority of the county, but not to exceed an 27165
additional forty years. 27166

(3) The legislative authority of a county with a population 27167
of one million or more that has levied a tax under division (A)(1) 27168
of this section may, by resolution adopted by a majority of the 27169
members of the legislative authority, increase the rate of the tax 27170
levied by such county under division (A)(1) of this section to a 27171
rate not to exceed five per cent on transactions by which lodging 27172
by a hotel is or is to be furnished to transient guests. 27173
Notwithstanding any contrary provision of division (A)(1) of this 27174
section, the resolution may provide that all collections resulting 27175
from the rate levied in excess of three per cent, after deducting 27176
the real and actual costs of administering the tax, shall be 27177
deposited in the county general fund. 27178

(4) The legislative authority of a county with a population 27179
of one million or more that has levied a tax under division (A)(1) 27180
of this section may, by resolution adopted on or before August 30, 27181
2004, by a majority of the members of the legislative authority, 27182
provide that all or a portion of the proceeds of the tax levied 27183
under division (A)(1) of this section, after deducting the real 27184
and actual costs of administering the tax and the amounts required 27185
to be returned to townships and municipal corporations with 27186
respect to the first three per cent levied under division (A)(1) 27187

of this section, shall be deposited in the county general fund, 27188
provided that such proceeds shall be used to satisfy any pledges 27189
made in connection with an agreement entered into under section 27190
307.695 of the Revised Code. 27191

(5) No amount collected from a tax levied, extended, or 27192
required to be deposited in the county general fund under division 27193
(H) of this section shall be contributed to a convention 27194
facilities authority, corporation, or other entity created after 27195
July 1, 2003, for the principal purpose of constructing, 27196
improving, expanding, equipping, financing, or operating a 27197
convention center unless the mayor of the municipal corporation in 27198
which the convention center is to be operated by that convention 27199
facilities authority, corporation, or other entity has consented 27200
to the creation of that convention facilities authority, 27201
corporation, or entity. Notwithstanding any contrary provision of 27202
section 351.04 of the Revised Code, if a tax is levied by a county 27203
under division (H) of this section, the board of county 27204
commissioners of that county may determine the manner of 27205
selection, the qualifications, the number, and terms of office of 27206
the members of the board of directors of any convention facilities 27207
authority, corporation, or other entity described in division 27208
(H)(5) of this section. 27209

(6)(a) No amount collected from a tax levied, extended, or 27210
required to be deposited in the county general fund under division 27211
(H) of this section may be used for any purpose other than paying 27212
the direct and indirect costs of constructing, improving, 27213
expanding, equipping, financing, or operating a convention center 27214
and for the real and actual costs of administering the tax, 27215
unless, prior to the adoption of the resolution of the legislative 27216
authority of the county authorizing the levy, extension, increase, 27217
or deposit, the county and the mayor of the most populous 27218
municipal corporation in that county have entered into an 27219

agreement as to the use of such amounts, provided that such 27220
agreement has been approved by a majority of the mayors of the 27221
other municipal corporations in that county. The agreement shall 27222
provide that the amounts to be used for purposes other than paying 27223
the convention center or administrative costs described in 27224
division (H)(6)(a) of this section be used only for the direct and 27225
indirect costs of capital improvements, including the financing of 27226
capital improvements. 27227

(b) If the county in which the tax is levied has an 27228
association of mayors and city managers, the approval of that 27229
association of an agreement described in division (H)(6)(a) of 27230
this section shall be considered to be the approval of the 27231
majority of the mayors of the other municipal corporations for 27232
purposes of that division. 27233

(7) Each year, the auditor of state shall conduct an audit of 27234
the uses of any amounts collected from taxes levied, extended, or 27235
deposited under division (H) of this section and shall prepare a 27236
report of the auditor of state's findings. The auditor of state 27237
shall submit the report to the legislative authority of the county 27238
that has levied, extended, or deposited the tax, the speaker of 27239
the house of representatives, the president of the senate, and the 27240
leaders of the minority parties of the house of representatives 27241
and the senate. 27242

(I)(1) As used in this division: 27243

(a) "Convention facilities authority" has the same meaning as 27244
in section 351.01 of the Revised Code. 27245

(b) "Convention center" has the same meaning as in section 27246
307.695 of the Revised Code. 27247

(2) Notwithstanding any contrary provision of division (D) of 27248
this section, the legislative authority of a county with a 27249
population of one million two hundred thousand or more according 27250

to the most recent federal decennial census or the most recent 27251
annual population estimate published or released by the United 27252
States census bureau at the time the resolution is adopted placing 27253
the levy on the ballot, that has levied a tax under division (D) 27254
of this section may, by resolution adopted by a majority of the 27255
members of the legislative authority, provide for the extension of 27256
such levy and may provide that the proceeds of that tax, to the 27257
extent that the proceeds are no longer needed for their original 27258
purpose as defined by a cooperative agreement entered into under 27259
section 307.671 of the Revised Code and after deducting the real 27260
and actual costs of administering the tax, shall be used for 27261
paying the direct and indirect costs of constructing, improving, 27262
expanding, equipping, financing, or operating a convention center. 27263
The resolution shall provide for the extension of the tax at a 27264
rate not to exceed the rate specified in division (D) of this 27265
section for a period of time determined by the legislative 27266
authority of the county, but not to exceed an additional forty 27267
years. 27268

(3) The legislative authority of a county with a population 27269
of one million two hundred thousand or more that has levied a tax 27270
under division (A)(1) of this section may, by resolution adopted 27271
by a majority of the members of the legislative authority, 27272
increase the rate of the tax levied by such county under division 27273
(A)(1) of this section to a rate not to exceed five per cent on 27274
transactions by which lodging by a hotel is or is to be furnished 27275
to transient guests. Notwithstanding any contrary provision of 27276
division (A)(1) of this section, the resolution shall provide that 27277
all collections resulting from the rate levied in excess of three 27278
per cent, after deducting the real and actual costs of 27279
administering the tax, shall be used for paying the direct and 27280
indirect costs of constructing, improving, expanding, equipping, 27281
financing, or operating a convention center. 27282

(4) The legislative authority of a county with a population 27283
of one million two hundred thousand or more that has levied a tax 27284
under division (A)(1) of this section may, by resolution adopted 27285
on or before July 1, 2008, by a majority of the members of the 27286
legislative authority, provide that all or a portion of the 27287
proceeds of the tax levied under division (A)(1) of this section, 27288
after deducting the real and actual costs of administering the tax 27289
and the amounts required to be returned to townships and municipal 27290
corporations with respect to the first three per cent levied under 27291
division (A)(1) of this section, shall be used to satisfy any 27292
pledges made in connection with an agreement entered into under 27293
section 307.695 of the Revised Code or shall otherwise be used for 27294
paying the direct and indirect costs of constructing, improving, 27295
expanding, equipping, financing, or operating a convention center. 27296

(5) Any amount collected from a tax levied or extended under 27297
division (I) of this section may be contributed to a convention 27298
facilities authority created before July 1, 2005, but no amount 27299
collected from a tax levied or extended under division (I) of this 27300
section may be contributed to a convention facilities authority, 27301
corporation, or other entity created after July 1, 2005, unless 27302
the mayor of the municipal corporation in which the convention 27303
center is to be operated by that convention facilities authority, 27304
corporation, or other entity has consented to the creation of that 27305
convention facilities authority, corporation, or entity. 27306

Sec. 5739.12. (A)(1) Each person who has or is required to 27307
have a vendor's license, on or before the twenty-third day of each 27308
month, shall make and file a return for the preceding month,~~on~~ 27309
~~forms in the form~~ prescribed by the tax commissioner, and shall 27310
pay the tax shown on the return to be due. The return shall be 27311
filed electronically using the Ohio business gateway, as defined 27312
in section 718.051 of the Revised Code, the Ohio telefile system, 27313
or any other electronic means prescribed by the commissioner. 27314

Payment of the tax shown on the return to be due shall be made 27315
electronically in a manner approved by the commissioner. The 27316
commissioner may require a vendor that operates from multiple 27317
locations or has multiple vendor's licenses to report all tax 27318
liabilities on one consolidated return. The return shall show the 27319
amount of tax due from the vendor to the state for the period 27320
covered by the return and such other information as the 27321
commissioner deems necessary for the proper administration of this 27322
chapter. The commissioner may extend the time for making and 27323
filing returns and paying the tax, and may require that the return 27324
for the last month of any annual or semiannual period, as 27325
determined by the commissioner, be a reconciliation return 27326
detailing the vendor's sales activity for the preceding annual or 27327
semiannual period. The reconciliation return shall be filed by the 27328
last day of the month following the last month of the annual or 27329
semiannual period. The commissioner may remit all or any part of 27330
amounts or penalties that may become due under this chapter and 27331
may adopt rules relating thereto. Such return shall be filed 27332
electronically as directed by ~~mailing it to~~ the tax commissioner, 27333
~~together with~~ and payment of the amount of tax shown to be due 27334
thereon, after deduction of any discount provided for under this 27335
section. ~~Remittance,~~ shall be made ~~payable to the treasurer of~~ 27336
~~state. The return shall be considered filed when received by the~~ 27337
~~tax commissioner, and the payment shall be considered made when~~ 27338
~~received by the tax commissioner or when credited to an account~~ 27339
~~designated by the treasurer of state or~~ electronically in a manner 27340
approved by the tax commissioner. 27341

(2) Any person required to file returns and make payments 27342
electronically under division (A)(1) of this section may apply to 27343
the tax commissioner on a form prescribed by the commissioner to 27344
be excused from that requirement. For good cause shown, the 27345
commissioner may excuse the person from that requirement and may 27346
permit the person to file the returns and make the payments 27347

required by this section by nonelectronic means. 27348

(B)(1) If the return is filed and the amount of tax shown 27349
thereon to be due is paid on or before the date such return is 27350
required to be filed, the vendor shall be entitled to a discount 27351
of+ 27352

~~(a) On and after July 1, 2005, and on and before June 30,~~ 27353
~~2007, nine tenths of one per cent of the amount shown to be due on~~ 27354
~~the return;~~ 27355

~~(b) On and after July 1, 2007, three-fourths of one per cent~~ 27356
of the amount shown to be due on the return. 27357

(2) A vendor that has selected a certified service provider 27358
as its agent shall not be entitled to the discount if the 27359
certified service provider receives a monetary allowance pursuant 27360
to section 5739.06 of the Revised Code for performing the vendor's 27361
sales and use tax functions in this state. Amounts paid to the 27362
clerk of courts pursuant to section 4505.06 of the Revised Code 27363
shall be subject to the applicable discount. The discount shall be 27364
in consideration for prompt payment to the clerk of courts and for 27365
other services performed by the vendor in the collection of the 27366
tax. 27367

(C)(1) Upon application to the tax commissioner, a vendor who 27368
is required to file monthly returns may be relieved of the 27369
requirement to report and pay the actual tax due, provided that 27370
the vendor agrees to remit to the ~~tax~~ commissioner payment of not 27371
less than an amount determined by the commissioner to be the 27372
average monthly tax liability of the vendor, based upon a review 27373
of the returns or other information pertaining to such vendor for 27374
a period of not less than six months nor more than two years 27375
immediately preceding the filing of the application. Vendors who 27376
agree to the above conditions shall make and file an annual or 27377
semiannual reconciliation return, as prescribed by the 27378

commissioner. The reconciliation return shall be filed 27379
electronically as directed by ~~mailing or delivering it to~~ the tax 27380
commissioner, ~~together with~~ and payment of the amount of tax shown 27381
to be due thereon, after deduction of any discount provided in 27382
this section. ~~Remittance,~~ shall be made ~~payable to the treasurer~~ 27383
~~of state~~ electronically in a manner approved by the commissioner. 27384
Failure of a vendor to comply with any of the above conditions may 27385
result in immediate reinstatement of the requirement of reporting 27386
and paying the actual tax liability on each monthly return, and 27387
the commissioner may at the commissioner's discretion deny the 27388
vendor the right to report and pay based upon the average monthly 27389
liability for a period not to exceed two years. The amount 27390
ascertained by the commissioner to be the average monthly tax 27391
liability of a vendor may be adjusted, based upon a review of the 27392
returns or other information pertaining to the vendor for a period 27393
of not less than six months nor more than two years preceding such 27394
adjustment. 27395

(2) The commissioner may authorize vendors whose tax 27396
liability is not such as to merit monthly returns, as ascertained 27397
by the commissioner upon the basis of administrative costs to the 27398
state, to make and file returns at less frequent intervals. When 27399
returns are filed at less frequent intervals in accordance with 27400
such authorization, the vendor shall be allowed the discount 27401
provided in this section in consideration for prompt payment with 27402
the return, provided the return is filed ~~together with~~ and payment 27403
is made of the amount of tax shown to be due thereon, at the time 27404
specified by the commissioner, but a vendor that has selected a 27405
certified service provider as its agent shall not be entitled to 27406
the discount. 27407

(D) Any vendor who fails to file a return or to pay the full 27408
amount of the tax shown on the return to be due in the manner 27409
prescribed under this section and the rules of the commissioner 27410

may, for each such return ~~the vendor fails to file or each such~~ 27411
~~tax the vendor fails to pay in full as shown on the return within~~ 27412
~~the period prescribed by this section and the rules of the~~ 27413
~~commissioner~~, be required to forfeit and pay into the state 27414
treasury an additional charge not exceeding fifty dollars or ten 27415
per cent of the tax required to be paid for the reporting period, 27416
whichever is greater, as revenue arising from the tax imposed by 27417
this chapter, and such sum may be collected by assessment in the 27418
manner provided in section 5739.13 of the Revised Code. The 27419
commissioner may remit all or a portion of the additional charge 27420
and may adopt rules relating to the imposition and remission of 27421
the additional charge. 27422

(E) If the amount required to be collected by a vendor from 27423
consumers is in excess of the applicable percentage of the 27424
vendor's receipts from sales that are taxable under section 27425
5739.02 of the Revised Code, or in the case of sales subject to a 27426
tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of 27427
the Revised Code, in excess of the percentage equal to the 27428
aggregate rate of such taxes and the tax levied by section 5739.02 27429
of the Revised Code, such excess shall be remitted along with the 27430
remittance of the amount of tax due under section 5739.10 of the 27431
Revised Code. 27432

(F) The commissioner, if the commissioner deems it necessary 27433
in order to insure the payment of the tax imposed by this chapter, 27434
may require returns and payments to be made for other than monthly 27435
periods. ~~The returns shall be signed by the vendor or the vendor's~~ 27436
~~authorized agent.~~ 27437

(G) Any vendor required to file a return and pay the tax 27438
under this section, ~~whose total payment~~ for a year equals or 27439
exceeds the amount shown in division (A) of section 5739.122 of 27440
the Revised Code, ~~shall make each payment required by this section~~ 27441
~~in the second ensuing and each succeeding year by electronic funds~~ 27442

~~transfer as prescribed by, and on or before the dates specified~~ 27443
~~in, section 5739.122 of the Revised Code, except as otherwise~~ 27444
~~prescribed by~~ is subject to the accelerated tax payment 27445
requirements in divisions (B) and (C) of that section. For a 27446
vendor that operates from multiple locations or has multiple 27447
vendor's licenses, in determining whether the vendor's total 27448
payment equals or exceeds the amount shown in division (A) of that 27449
section, the vendor's total payment amount shall be the amount of 27450
the vendor's total tax liability for the previous calendar year 27451
for all of the vendor's locations or licenses. 27452

Sec. 5739.122. (A) If the total amount of tax required to be 27453
paid by a vendor under section 5739.12 of the Revised Code for any 27454
calendar year equals or exceeds seventy-five thousand dollars, the 27455
vendor shall remit each monthly tax payment in the second ensuing 27456
and each succeeding tax year ~~by electronic funds transfer on an~~ 27457
accelerated basis as prescribed by divisions (B) and (C) of this 27458
section. 27459

If a vendor's tax payment for each of two consecutive years 27460
is less than seventy-five thousand dollars, the vendor is relieved 27461
of the requirement to remit taxes ~~by electronic funds transfer in~~ 27462
the manner prescribed by this section for the year that next 27463
follows the second of the consecutive years in which the tax 27464
payment is less than that amount, and is relieved of that 27465
requirement for each succeeding year, unless the tax payment in a 27466
subsequent year equals or exceeds seventy-five thousand dollars. 27467

The tax commissioner shall notify each vendor required to 27468
~~remit taxes by electronic funds transfer~~ make accelerated tax 27469
payments of the vendor's obligation to do so, and shall maintain 27470
an updated list of those vendors, ~~and shall timely certify the~~ 27471
~~list and any additions thereto or deletions therefrom to the~~ 27472
~~treasurer of state.~~ Failure by the tax commissioner to notify a 27473

vendor subject to this section to remit taxes ~~by electronic funds~~ 27474
~~transfer on an accelerated basis~~ does not relieve the vendor of 27475
its obligation to remit taxes ~~by electronic funds transfer as~~ 27476
provided under division (B) of this section. 27477

(B) Vendors required by division (A) of this section to ~~remit~~ 27478
~~make accelerated tax~~ payments ~~by electronic funds transfer~~ shall 27479
electronically remit such payments to the ~~treasurer of state tax~~ 27480
commissioner in the a manner ~~prescribed by this section and rules~~ 27481
adopted approved by the ~~treasurer of state under section 113.061~~ 27482
~~of the Revised Code, and commissioner,~~ as follows: 27483

(1) On or before the twenty-third day of each month, a vendor 27484
shall remit an amount equal to seventy-five per cent of the 27485
anticipated tax liability for that month. 27486

(2) On or before the twenty-third day of each month, a vendor 27487
shall report the taxes collected for the previous month and shall 27488
remit that amount, less any amounts paid for that month as 27489
required by division (B)(1) of this section. 27490

The payment of taxes ~~by electronic funds transfer on an~~ 27491
accelerated basis under this section does not affect a vendor's 27492
obligation to file ~~the monthly return~~ returns and pay the tax 27493
shown on the returns to be due as required under section 5739.12 27494
of the Revised Code. 27495

(C) A vendor required by this section to remit taxes ~~by~~ 27496
~~electronic funds transfer on an accelerated basis~~ may apply to the 27497
~~treasurer of state tax commissioner,~~ in the manner prescribed by 27498
the ~~treasurer of state~~ commissioner, to be excused from that 27499
requirement. The ~~treasurer of state~~ commissioner may excuse the 27500
vendor from remittance ~~by electronic funds transfer on an~~ 27501
accelerated basis for good cause shown for the period of time 27502
requested by the vendor or for a portion of that period. ~~The~~ 27503
~~treasurer of state shall notify the tax commissioner and the~~ 27504

~~vendor of the treasurer of state's decision as soon as is practicable.~~ 27505
27506

(D)(1)(a) If a vendor 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. 27507
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(b) Division (D)(1)(a) of this section does not apply if the vendor's payment under division (B)(1) of this section is equal to or greater than seventy-five per cent of the vendor's reported liability for the same month in the immediately preceding calendar year. 27514
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~~(2) If a vendor 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 this section and 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.~~ 27519
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~~(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 27531
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waive all or a portion of such a charge and may adopt rules 27537
governing such waiver. 27538

~~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.~~ 27539
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Sec. 5739.124. (A) If required by the tax commissioner, a 27546
person permit holder required to make payments ~~by electronic funds~~ 27547
~~transfer~~ under section 5739.032 ~~or 5739.122~~ of the Revised Code 27548
shall file all returns and reports electronically. The 27549
commissioner may require the person permit holder to use the Ohio 27550
business gateway, as defined in section 718.051 of the Revised 27551
Code, or any other electronic means approved by the commissioner, 27552
to file the returns and reports, or to remit the tax, in lieu of 27553
the manner prescribed ~~by the treasurer of state under sections~~ 27554
section 5739.032 and 5739.122 of the Revised Code. 27555

(B) A person required under this section to file reports and 27556
returns electronically may apply to the tax commissioner to be 27557
excused from that requirement. Applications shall be made on a 27558
form prescribed by the commissioner. The commissioner may approve 27559
the application for good cause. 27560

(C)(1) If a person required to file a report or return 27561
electronically under this section fails to do so, the tax 27562
commissioner may impose an additional charge not to exceed the 27563
following: 27564

(a) For each of the first two failures, five per cent of the 27565
amount required to be reported on the report or return; 27566

(b) For the third and any subsequent failure, ten per cent of 27567
the amount required to be reported on the report or return. 27568

(2) The charges authorized under division (C)(1) of this 27569
section are in addition to any other charge or penalty authorized 27570
under this chapter, and shall be considered as revenue arising 27571
from taxes imposed under this chapter. An additional charge may be 27572
collected by assessment in the manner prescribed by section 27573
5739.13 of the Revised Code. The commissioner may waive all or a 27574
portion of such a charge and may adopt rules governing such 27575
waiver. 27576

Sec. 5739.21. (A) One hundred per cent of all money deposited 27577
into the state treasury under sections 5739.01 to 5739.31 of the 27578
Revised Code ~~and that is~~ not required to be distributed as 27579
provided in section 5739.102 of the Revised Code or division (B) 27580
of this section shall be credited to the general revenue fund. 27581
27582

(B)(1) In any case where any county or transit authority has 27583
levied a tax or taxes pursuant to section 5739.021, 5739.023, or 27584
5739.026 of the Revised Code, the tax commissioner shall, within 27585
forty-five days after the end of each month, determine and certify 27586
to the director of budget and management the amount of the 27587
proceeds of such tax or taxes received during that month from 27588
billings and assessments, or associated with tax returns or 27589
reports filed during that month, to be returned to the county or 27590
transit authority levying the tax or taxes. The amount to be 27591
returned to each county and transit authority shall be a fraction 27592
of the aggregate amount of money collected with respect to each 27593
area in which one or more of such taxes are concurrently in effect 27594
with the tax levied by section 5739.02 of the Revised Code. The 27595
numerator of the fraction is the rate of the tax levied by the 27596
county or transit authority and the denominator of the fraction is 27597

the aggregate rate of such taxes applicable to such area. The 27598
amount to be returned to each county or transit authority shall be 27599
reduced by the amount of any refunds of county or transit 27600
authority tax paid pursuant to section 5739.07 of the Revised Code 27601
during the same month, or transfers made pursuant to division 27602
(B)(2) of section 5703.052 of the Revised Code. 27603

(2) On a periodic basis, using the best information 27604
available, the tax commissioner shall distribute any amount of a 27605
county or transit authority tax that cannot be distributed under 27606
division (B)(1) of this section. Through audit or other means, the 27607
commissioner shall attempt to obtain the information necessary to 27608
make the distribution as provided under that division and, on 27609
receipt of that information, shall make adjustments to 27610
distributions previously made under this division. 27611

(3) Beginning July 1, 2008, eight and thirty-three 27612
one-hundredths of one per cent of the revenue collected from the 27613
tax due under division (A) of section 5739.029 of the Revised Code 27614
shall be distributed to the county where the sale of the motor 27615
vehicle is situated under section 5739.035 of the Revised Code. The 27616
amount to be so distributed to the county shall be apportioned on 27617
the basis of the rates of taxes the county levies pursuant to 27618
sections 5739.021 and 5739.026 of the Revised Code, as applicable, 27619
and shall be credited to the funds of the county as provided in 27620
divisions (A) and (B) of section 5739.211 of the Revised Code. 27621

(C) The aggregate amount to be returned to any county or 27622
transit authority shall be reduced by one per cent, which shall be 27623
certified directly to the credit of the local sales tax 27624
administrative fund, which is hereby created in the state 27625
treasury. For the purpose of determining the amount to be returned 27626
to a county and transit authority in which the rate of tax imposed 27627
by the transit authority has been reduced under section 5739.028 27628
of the Revised Code, the tax commissioner shall use the respective 27629

rates of tax imposed by the county or transit authority that 27630
results from the change in the rates authorized under that 27631
section. 27632

(D) The director of budget and management shall transfer, 27633
from the same funds and in the same proportions specified in 27634
division (A) of this section, to the permissive tax distribution 27635
fund created by division (B)(1) of section 4301.423 of the Revised 27636
Code and to the local sales tax administrative fund, the amounts 27637
certified by the tax commissioner. The tax commissioner shall 27638
then, on or before the twentieth day of the month in which such 27639
certification is made, provide for payment of such respective 27640
amounts to the county treasurer and to the fiscal officer of the 27641
transit authority levying the tax or taxes. The amount transferred 27642
to the local sales tax administrative fund is for use by the tax 27643
commissioner in defraying costs incurred in administering such 27644
taxes levied by a county or transit authority. 27645

Sec. 5741.04. Every seller required to register with the tax 27646
commissioner pursuant to section 5741.17 of the Revised Code who 27647
is engaged in the business of selling tangible personal property 27648
in this state for storage, use, or other consumption in this 27649
state, to which section 5741.02 of the Revised Code applies, or 27650
which is subject to a tax levied pursuant to section 5741.021, 27651
5741.022, or 5741.023 of the Revised Code, shall, and any other 27652
seller who is authorized by rule of the tax commissioner to do so 27653
may, collect from the consumer the full and exact amount of the 27654
tax payable on each such storage, use, or consumption, in the 27655
manner and at the times provided as follows: 27656

(A) If the price is, at or prior to the delivery of 27657
possession of the thing sold to the consumer, paid in currency 27658
passed from hand to hand by the consumer, or ~~his~~ the consumer's 27659
agent, to the seller, or ~~his~~ the seller's agent, the seller or ~~his~~ 27660

the seller's agent shall collect the tax with and at the same time 27661
as the price. 27662

(B) If the price is otherwise paid or to be paid, the seller 27663
or ~~his~~ the seller's agent shall, at or prior to the delivery of 27664
possession of the thing sold to the consumer, charge the tax 27665
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 27666
5741.023 of the Revised Code to the account of the consumer, which 27667
amount shall be collected by the seller from the consumer in 27668
addition to the price. Such transaction shall be reported on the 27669
return for the period in which the transaction occurred, and the 27670
amount of tax applicable to the transaction shall be remitted with 27671
the return or, if the consumer is subject to section 5741.121 of 27672
the Revised Code, ~~by electronic funds transfer as~~ in the manner 27673
prescribed by that section. The amount of the tax shall become a 27674
legal charge in favor of the seller and against the consumer. 27675

(C) It shall be the obligation of each consumer, as required 27676
by section 5741.12 of the Revised Code, to report and pay the 27677
taxes levied by sections 5741.021, 5741.022, and 5741.023 of the 27678
Revised Code, if applicable, on any storage, use, or other 27679
consumption of tangible personal property purchased in this state 27680
from a vendor required to be licensed pursuant to section 5739.17 27681
of the Revised Code. 27682

Sec. 5741.12. (A) Each seller required by section 5741.17 of 27683
the Revised Code to register with the tax commissioner, and any 27684
seller authorized by the commissioner to collect the tax imposed 27685
by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 27686
of the Revised Code is subject to the same requirements and 27687
entitled to the same deductions and discount for prompt payments 27688
as are vendors under section 5739.12 of the Revised Code, and the 27689
same monetary allowances as are vendors under section 5739.06 of 27690
the Revised Code. The powers and duties of the commissioner ~~and~~ 27691

~~the treasurer of state~~ with respect to returns and tax remittances 27692
under this section shall be identical with those prescribed in 27693
section 5739.12 of the Revised Code. 27694

(B) Every person storing, using, or consuming tangible 27695
personal property or receiving the benefit of a service, the 27696
storage, use, consumption, or receipt of which is subject to the 27697
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 27698
or 5741.023 of the Revised Code, when such tax was not paid to a 27699
seller, shall, on or before the twenty-third day of each month, 27700
file with the tax commissioner a return for the preceding month in 27701
such form as is prescribed by the commissioner, showing such 27702
information as the commissioner deems necessary, and shall pay the 27703
tax shown on the return to be due. Remittance shall be made 27704
payable to the treasurer of state. The commissioner may require 27705
consumers to file returns and pay the tax at other than monthly 27706
intervals, if the commissioner determines that such filing is 27707
necessary for the efficient administration of the tax. If the 27708
commissioner determines that a consumer's tax liability is not 27709
such as to merit monthly filing, the commissioner may authorize 27710
the consumer to file returns and pay tax at less frequent 27711
intervals. 27712

Any consumer required to file a return and pay the tax under 27713
this section whose payment for any year ~~indicated in~~ equals or 27714
exceeds the amount shown in division (A) of section 5741.121 of 27715
the Revised Code ~~equals or exceeds the amount shown in that~~ 27716
~~section shall make each payment required by this section in the~~ 27717
~~second ensuing and each succeeding year by means of electronic~~ 27718
~~funds transfer as prescribed by, and on or before the dates~~ 27719
~~specified in, section 5741.121 of the Revised Code, except as~~ 27720
otherwise prescribed by is subject to the accelerated tax payment 27721
requirements in divisions (B) and (C) of that section. 27722

(C) Every person storing, using, or consuming a motor 27723

vehicle, watercraft, or outboard motor, the ownership of which 27724
must be evidenced by certificate of title, shall file the return 27725
required by this section and pay the tax due at or prior to the 27726
time of filing an application for certificate of title. 27727

Sec. 5741.121. (A) If the total amount of tax required to be 27728
paid by a seller or consumer under section 5741.12 of the Revised 27729
Code for any year equals or exceeds seventy-five thousand dollars, 27730
the seller or consumer shall remit each monthly tax payment in the 27731
second ensuing and each succeeding year ~~by electronic funds~~ 27732
~~transfer on an accelerated basis~~ as prescribed by division (B) of 27733
this section. 27734

If a seller's or consumer's tax payment for each of two 27735
consecutive years is less than seventy-five thousand dollars, the 27736
seller or consumer is relieved of the requirement to remit taxes 27737
~~by electronic funds transfer on an accelerated basis~~ for the year 27738
that next follows the second of the consecutive years in which the 27739
tax payment is less than that amount, and is relieved of that 27740
requirement for each succeeding year, unless the tax payment in a 27741
subsequent year equals or exceeds seventy-five thousand dollars. 27742

The tax commissioner shall notify each seller or consumer 27743
required to ~~remit taxes by electronic funds transfer~~ make 27744
accelerated tax payments of the seller's or consumer's obligation 27745
to do so, and shall maintain an updated list of those sellers and 27746
consumers, ~~and shall timely certify the list and any additions~~ 27747
~~thereto or deletions therefrom to the treasurer of state.~~ Failure 27748
by the tax commissioner to notify a seller or consumer subject to 27749
this section to remit taxes ~~by electronic funds transfer on an~~ 27750
accelerated basis does not relieve the seller or consumer of the 27751
obligation to remit taxes ~~by electronic funds transfer as provided~~ 27752
under division (B) of this section. 27753

(B) Sellers and consumers required by division (A) of this 27754

section to ~~remit~~ make accelerated tax payments ~~by electronic funds~~ 27755
~~transfer~~ shall electronically remit such payments to the ~~treasurer~~ 27756
~~of state tax commissioner,~~ in the a manner ~~prescribed by this~~ 27757
~~section and rules adopted~~ approved by the ~~treasurer of state under~~ 27758
~~section 113.061 of the Revised Code, and commissioner,~~ as follows: 27759
27760

(1) On or before the twenty-third day of each month, a seller 27761
or consumer shall remit an amount equal to seventy-five per cent 27762
of the anticipated tax liability for that month. 27763

(2) On or before the twenty-third day of each month, a seller 27764
shall report the taxes collected and a consumer shall report the 27765
taxes due for the previous month and shall remit that amount, less 27766
any amounts paid for that month as required by division (B)(1) of 27767
this section. 27768

The payment of taxes ~~by electronic funds transfer on an~~ 27769
accelerated basis under this section does not affect a seller's or 27770
consumer's obligation to file ~~the monthly return~~ returns and pay 27771
the tax shown on the returns to be due as required under section 27772
5741.12 of the Revised Code. 27773

(C) A seller or consumer required by this section to remit 27774
taxes ~~by electronic funds transfer on an accelerated basis~~ may 27775
apply to the ~~treasurer of state tax commissioner~~ in the manner 27776
prescribed by the ~~treasurer of state commissioner~~ to be excused 27777
from that requirement. The ~~treasurer of state commissioner~~ may 27778
excuse the seller or consumer from remittance ~~by electronic funds~~ 27779
~~transfer~~ on an accelerated basis for good cause shown for the 27780
period of time requested by the seller or consumer or for a 27781
portion of that period. ~~The treasurer of state shall notify the~~ 27782
~~tax commissioner and the seller or consumer of the treasurer of~~ 27783
~~state's decision as soon as is practicable.~~ 27784

(D)(1)(a) If a seller or consumer that is required to remit 27785

payments under division (B) of this section fails to make a 27786
payment required under division (B)(1) of this section, or makes a 27787
payment under division (B)(1) of this section that is less than 27788
seventy-five per cent of the actual liability for that month, the 27789
commissioner may impose an additional charge not to exceed five 27790
per cent of that unpaid amount. 27791

(b) Division (D)(1)(a) of this section does not apply if the 27792
seller's or consumer's payment under division (B)(1) of this 27793
section is equal to or greater than seventy-five per cent of the 27794
seller's or consumer's reported liability for the same month in 27795
the immediately preceding calendar year. 27796

~~(2) If a seller or consumer required by this section to remit 27797
taxes by electronic funds transfer remits those taxes by some 27798
means other than by electronic funds transfer as prescribed by the 27799
rules adopted by the treasurer of state, and the treasurer of 27800
state determines that such failure was not due to reasonable cause 27801
or was due to willful neglect, the treasurer of state shall notify 27802
the tax commissioner of the failure to remit by electronic funds 27803
transfer and shall provide the commissioner with any information 27804
used in making that determination. The tax commissioner may impose 27805
an additional charge not to exceed the lesser of five per cent of 27806
the amount of the taxes required to be paid by electronic funds 27807
transfer or five thousand dollars. 27808~~

~~(3) Any additional charge imposed under division (D)(1) of 27809
this section is in addition to any other penalty or charge imposed 27810
under this chapter, and shall be considered as revenue arising 27811
from taxes imposed under this chapter. An additional charge may be 27812
collected by assessment in the manner prescribed by section 27813
5741.13 of the Revised Code. The tax commissioner may waive all or 27814
a portion of such a charge and may adopt rules governing such 27815
waiver. 27816~~

~~No additional charge shall be imposed under division (D)(2) 27817~~

~~of this section against a seller or consumer that has been 27818
notified of the obligation to remit taxes under this section and 27819
that remits its first two tax payments after such notification by 27820
some means other than electronic funds transfer. The additional 27821
charge may be imposed upon the remittance of any subsequent tax 27822
payment that the seller or consumer remits by some means other 27823
than electronic funds transfer. 27824~~

Sec. 5741.122. (A) If required by the tax commissioner, a 27825
person required to make payments ~~by electronic funds transfer~~ 27826
under section ~~5739.032~~ ~~or~~ 5741.121 of the Revised Code shall file 27827
all returns and reports electronically. The commissioner may 27828
require the person to use the Ohio business gateway, as defined in 27829
section 718.051 of the Revised Code, or any other electronic means 27830
approved by the commissioner, to file the returns and reports, or 27831
to remit the tax, in lieu of the manner prescribed ~~by the~~ 27832
~~treasurer of state~~ under ~~sections 5739.032 and~~ section 5741.121 of 27833
the Revised Code. 27834

(B) A person required under this section to file reports and 27835
returns electronically may apply to the tax commissioner to be 27836
excused from that requirement. Applications shall be made on a 27837
form prescribed by the commissioner. The commissioner may approve 27838
the application for good cause. 27839

(C)(1) If a person required to file a report or return 27840
electronically under this section fails to do so, the tax 27841
commissioner may impose an additional charge not to exceed the 27842
following: 27843

(a) For each of the first two failures, five per cent of the 27844
amount required to be reported on the report or return; 27845

(b) For the third and any subsequent failure, ten per cent of 27846
the amount required to be reported on the report or return. 27847

(2) The charges authorized under division (C)(1) of this section are in addition to any other charge or penalty authorized under this chapter, and shall be considered as revenue arising from taxes imposed under this chapter. An additional charge may be collected by assessment in the manner prescribed by section 5741.13 of the Revised Code. The commissioner may waive all or a portion of such a charge and may adopt rules governing such waiver.

Sec. 5743.021. (A) As used in this section, "qualifying regional arts and cultural district" means a regional arts and cultural district created under section 3381.04 of the Revised Code in a county having a population of one million two hundred thousand or more according to the 2000 federal decennial census.

(B) For one or more of the purposes for which a tax may be levied under section 3381.16 of the Revised Code and for the purposes of paying the expenses of administering the tax and the expenses charged by a board of elections to hold an election on a question submitted under this section, the board of county commissioners of a county that has within its territorial boundaries a qualifying regional arts and cultural district may levy a tax on the sale of cigarettes sold for resale at retail in the county composing the district. The rate of the tax, when added to the rate of any other tax concurrently levied by the board under this section, shall not exceed fifteen mills per cigarette, and shall be computed on each cigarette sold. Only one sale of the same article shall be used in computing the amount of tax due. The tax may be levied for any number of years not exceeding ten years.

The tax shall be levied pursuant to a resolution of the board of 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 27879
levied. The election may be held on the date of a general, 27880
primary, or special election held not sooner than seventy-five 27881
days after the date the board certifies its resolution to the 27882
board of elections. If approved by the electors, the tax shall 27883
take effect on the first day of the month specified in the 27884
resolution but not sooner than the first day of the month that is 27885
at least sixty days after the certification of the election 27886
results by the board of elections. A copy of the resolution 27887
levying the tax shall be certified to the tax commissioner at 27888
least sixty days prior to the date on which the tax is to become 27889
effective. 27890

(C) The form of the ballot in an election held under this 27891
section shall be as follows, or in any other form acceptable to 27892
the secretary of state: 27893

"For the purpose of (insert the purpose or 27894
purposes of the tax), shall an excise tax be levied throughout 27895
..... County for the benefit of the (name of the 27896
qualifying regional arts and cultural district) on the sale of 27897
cigarettes at wholesale at the rate of mills per cigarette 27898
for years? 27899

	For the tax	"
	Against the tax	"

(D) The treasurer of state shall credit all moneys arising 27900
from taxes levied on behalf of each district under this section 27901
and section 5743.321 of the Revised Code as follows: 27902

(1) To the tax refund fund created by section 5703.052 of the 27903
Revised Code, amounts equal to the refunds from each tax levied 27904
under this section certified by the tax commissioner pursuant to 27905
section 5743.05 of the Revised Code; 27906
27907
27908
27909

(2) Following the crediting of amounts pursuant to division	27910
(D)(1) of this section:	27911
(a) To the permissive tax distribution fund created under	27912
section 4301.423 of the Revised Code, an amount equal to	27913
ninety-eight per cent of the remainder collected;	27914
(b) To the local excise tax administrative fund, which is	27915
hereby created in the state treasury, an amount equal to two per	27916
cent of such remainder, for use by the tax commissioner in	27917
defraying costs incurred in administering the tax.	27918
On or before the second working day of each month, the	27919
treasurer of state shall certify to the tax commissioner the	27920
amount of taxes levied on behalf of each district under sections	27921
5743.021 and 5743.321 of the Revised Code and paid to the	27922
treasurer of state during the preceding month.	27923
On or before the tenth day of each month, the tax	27924
commissioner shall distribute the amount credited to the	27925
permissive tax distribution fund during the preceding month by	27926
providing for payment of the appropriate amount to the county	27927
treasurer of the county in which the tax is levied.	27928
<u>(E) No tax shall be levied under this section on or after the</u>	27929
<u>effective date of the amendment of this section by the capital</u>	27930
<u>appropriations act of the 127th general assembly. This division</u>	27931
<u>does not prevent the collection of any tax levied under this</u>	27932
<u>section before that date so long as that tax remains effective.</u>	27933
Sec. 5743.024. (A) For the purposes of section 307.696 of the	27934
Revised Code, to pay the expenses of administering the tax, and to	27935
pay any or all of the charge the board of elections makes against	27936
the county to hold the election on the question of levying the	27937
tax, or for such purposes and to provide revenues to the county	27938
for permanent improvements, the board of county commissioners may	27939

levy a tax on sales of cigarettes sold for resale at retail in the 27940
county. The tax shall not exceed two and twenty-five hundredths of 27941
a mill per cigarette, and shall be computed on each cigarette 27942
sold. The tax may be levied for any number of years not exceeding 27943
twenty. Only one sale of the same article shall be used in 27944
computing the amount of tax due. 27945

The tax shall be levied pursuant to a resolution of the 27946
county commissioners approved by a majority of the electors in the 27947
county voting on the question of levying the tax. The resolution 27948
shall specify the rate of the tax, the number of years the tax 27949
will be levied, and the purposes for which the tax is levied. Such 27950
election may be held on the date of a general or special election 27951
held not sooner than seventy-five days after the date the board 27952
certifies its resolution to the board of elections. If approved by 27953
the electors, the tax shall take effect on the first day of the 27954
month specified in the resolution but not sooner than the first 27955
day of the month that is at least sixty days after the 27956
certification of the election results by the board of elections. A 27957
copy of the resolution levying the tax shall be certified to the 27958
tax commissioner at least sixty days prior to the date on which 27959
the tax is to become effective. 27960

A resolution under this section may be joined on the ballot 27961
as a single question with a resolution adopted under section 27962
307.697 or 4301.421 of the Revised Code to levy a tax for the same 27963
purposes and for the purpose of paying the expenses of 27964
administering the tax. The form of the ballot in an election held 27965
pursuant to this section shall be as prescribed in section 307.697 27966
of the Revised Code. 27967

(B) The treasurer of state shall credit all moneys arising 27968
from each county's taxes levied under this section and section 27969
5743.323 of the Revised Code as follows: 27970

(1) To the tax refund fund created by section 5703.052 of the 27971

Revised Code, amounts equal to the refunds from each tax levied 27972
under this section certified by the tax commissioner pursuant to 27973
section 5743.05 of the Revised Code; 27974

(2) Following the crediting of amounts pursuant to division 27975
(B)(1) of this section: 27976

(a) To the permissive tax distribution fund created by 27977
division (B)(1) of section 4301.423 of the Revised Code, an amount 27978
equal to ninety-eight per cent of the remainder collected; 27979

(b) To the local excise tax administrative fund, which is 27980
hereby created in the state treasury, an amount equal to two per 27981
cent of such remainder, for use by the tax commissioner in 27982
defraying costs incurred in administering the tax. 27983

On or before the second working day of each month, the 27984
treasurer of state shall certify to the tax commissioner the 27985
amount of each county's taxes levied under sections 5743.024 and 27986
5743.323 and paid to the treasurer of state during the preceding 27987
month. 27988

On or before the tenth day of each month, the tax 27989
commissioner shall distribute the amount credited to the 27990
permissive tax distribution fund during the preceding month by 27991
providing for payment of the appropriate amount to the county 27992
treasurer of each county levying the tax. 27993

(C) The board of county commissioners of a county in which a 27994
tax is imposed under this section on ~~the effective date of this~~ 27995
~~amendment~~ July 19, 1995, may levy a tax for the purpose of section 27996
307.673 of the Revised Code regardless of whether or not the 27997
cooperative agreement authorized under that section has been 27998
entered into prior to the day the resolution adopted under 27999
division (C)(1) or (2) of this section is adopted, and for the 28000
purpose of reimbursing a county for costs incurred in the 28001
construction of a sports facility pursuant to an agreement entered 28002

into by the county under section 307.696 of the Revised Code. The 28003
tax shall be levied and approved in one of the manners prescribed 28004
by division (C)(1) or (2) of this section. 28005

(1) The tax may be levied pursuant to a resolution adopted by 28006
a majority of the members of the board of county commissioners not 28007
later than forty-five days after ~~the effective date of this~~ 28008
~~amendment~~ July 19, 1995. A board of county commissioners approving 28009
a tax under division (C)(1) of this section may approve a tax 28010
under division (D)(1) of section 307.697 or division (B)(1) of 28011
section 4301.421 of the Revised Code at the same time. Subject to 28012
the resolution being submitted to a referendum under sections 28013
305.31 to 305.41 of the Revised Code, the resolution shall take 28014
effect immediately, but the tax levied pursuant to the resolution 28015
shall not be levied prior to the day following the last day taxes 28016
levied pursuant to division (A) of this section may be levied. 28017

(2) The tax may be levied pursuant to a resolution adopted by 28018
a majority of the members of the board of county commissioners not 28019
later than forty-five days after ~~the effective date of this~~ 28020
~~amendment~~ July 19, 1995, and approved by a majority of the 28021
electors of the county voting on the question of levying the tax 28022
at the next succeeding general election following ~~the effective~~ 28023
~~date of this amendment~~ July 19, 1995. The board of county 28024
commissioners shall certify a copy of the resolution to the board 28025
of elections immediately upon adopting a resolution under division 28026
(C)(2) of this section, and the board of elections shall place the 28027
question of levying the tax on the ballot at that election. The 28028
form of the ballot shall be as prescribed by division (C) of 28029
section 307.697 of the Revised Code, except that the phrase 28030
"paying not more than one-half of the costs of providing a sports 28031
facility together with related redevelopment and economic 28032
development projects" shall be replaced by the phrase "paying the 28033
costs of constructing or renovating a sports facility and 28034

reimbursing a county for costs incurred by the county in the 28035
construction of a sports facility," and the phrase ", beginning 28036
..... (here insert the earliest date the tax would take 28037
effect)" shall be appended after "years." A board of county 28038
commissioners submitting the question of a tax under division 28039
(C)(2) of this section may submit the question of a tax under 28040
division (D)(2) of section 307.697 or division (B)(2) of section 28041
4301.421 of the Revised Code as a single question, and the form of 28042
the ballot shall include each of the proposed taxes. 28043

If approved by a majority of electors voting on the question, 28044
the tax shall take effect on the day specified on the ballot, 28045
which shall not be earlier than the day following the last day the 28046
tax levied pursuant to division (A) of this section may be levied. 28047

The rate of a tax levied pursuant to division (C)(1) or (2) 28048
of this section shall not exceed the rate specified in division 28049
(A) of this section. A tax levied pursuant to division (C)(1) or 28050
(2) of this section may be levied for any number of years not 28051
exceeding twenty. 28052

A board of county commissioners adopting a resolution under 28053
this division shall certify a copy of the resolution to the tax 28054
commissioner immediately upon adoption of the resolution. 28055

(E) No tax shall be levied under this section on or after the 28056
effective date of the amendment of this section by the capital 28057
appropriations act of the 127th general assembly. This division 28058
does not prevent the collection of any tax levied under this 28059
section before that date so long as that tax remains effective. 28060

Sec. 5743.321. For the same purposes for which it levies a 28061
tax under section 5743.021 of the Revised Code, the board of 28062
county commissioners of a county that has within its territorial 28063
boundaries a qualifying regional arts and cultural district and 28064
that levies a tax under that section, by resolution adopted by a 28065

majority of the board, shall levy a tax at the same rate on the 28066
use, consumption, or storage for consumption of cigarettes by 28067
consumers in the county in which that tax is levied, provided that 28068
the tax shall not apply if the tax levied by section 5743.021 of 28069
the Revised Code has been paid. The tax shall take effect on the 28070
date that a tax levied under that section takes effect, and shall 28071
remain in effect as long as the tax levied under that section 28072
remains effective. 28073

No tax shall be levied under this section on or after the 28074
effective date of the amendment of this section by the capital 28075
appropriations act of the 127th general assembly. This paragraph 28076
does not prevent the collection of any tax levied under this 28077
section before that date so long as that tax remains effective. 28078

Sec. 5743.323. For the purposes of section 307.696 of the 28079
Revised Code and to pay the expenses of levying the tax or for 28080
such purposes and to provide revenues to the county for permanent 28081
improvements, the board of county commissioners of a county that 28082
levies a tax under division (A) or (C) of section 5743.024 of the 28083
Revised Code shall by resolution adopted by a majority of the 28084
board levy a tax at the same rate on the use, consumption, or 28085
storage for consumption of cigarettes by consumers in the county, 28086
provided that the tax shall not apply if the tax levied by 28087
division (A) or (C) of section 5743.024 of the Revised Code has 28088
been paid. The tax shall take effect on the date that a tax levied 28089
under division (A) or (C) of section 5743.024 of the Revised Code 28090
takes effect, and shall remain in effect as long as the tax levied 28091
under such division remains effective. 28092

No tax shall be levied under this section on or after the 28093
effective date of the amendment of this section by the capital 28094
appropriations act of the 127th general assembly. This paragraph 28095
does not prevent the collection of any tax levied under this 28096

section before that date so long as that tax remains effective. 28097

Sec. 5745.05. (A) Prior to the first day of March, June, 28098
September, and December, the tax commissioner shall certify to the 28099
director of budget and management the amount to be paid to each 28100
municipal corporation, as indicated on the declaration of 28101
estimated tax reports and annual reports received under sections 28102
5745.03 and 5745.04 of the Revised Code, less any amounts 28103
previously distributed and net of any audit adjustments made by 28104
the tax commissioner. Not later than the first day of March, June, 28105
September, and December, the director of budget and management 28106
shall provide for payment of the amount certified to each 28107
municipal corporation from the municipal income tax fund, plus a 28108
pro rata share of any investment earnings accruing to the fund 28109
since the previous payment under this section apportioned among 28110
municipal corporations entitled to such payments in proportion to 28111
the amount certified by the tax commissioner. All investment 28112
earnings on money in the municipal income tax fund shall be 28113
credited to that fund. 28114

(B) If the tax commissioner determines that the amount of tax 28115
paid by a taxpayer and distributed to a municipal corporation 28116
under this section for a taxable year exceeds the amount payable 28117
to that municipal corporation under this chapter after accounting 28118
for amounts remitted with the annual report and as estimated 28119
taxes, the tax commissioner shall permit the taxpayer to credit 28120
the excess against the taxpayer's payments to the municipal 28121
corporation of estimated taxes remitted for an ensuing taxable 28122
year under section 5745.04 of the Revised Code. If, upon the 28123
written request of the taxpayer, the tax commissioner determines 28124
that the excess to be so credited is likely to exceed the amount 28125
of estimated taxes payable by the taxpayer to the municipal 28126
corporation during the ensuing twelve months, the tax commissioner 28127
shall so notify the municipal corporation and the municipal 28128

corporation shall issue a refund of the excess to the taxpayer 28129
within ninety days after receiving such a notice. Interest shall 28130
accrue on the amount to be refunded and is payable to the taxpayer 28131
at the rate per annum prescribed by section 5703.47 of the Revised 28132
Code from the ninety-first day after the notice is received by the 28133
municipal corporation until the day the refund is paid. 28134
Immediately after notifying a municipal corporation under this 28135
division of an excess to be refunded, the commissioner also shall 28136
notify the director of budget and management of the amount of the 28137
excess, and the director shall transfer from the municipal income 28138
tax administrative fund to the municipal income tax fund one and 28139
one-half per cent of the amount of the excess. The commissioner 28140
shall include the transferred amount in the computation of the 28141
amount due the municipal corporation in the next certification to 28142
the director under division (A) of this section. 28143

Sec. 5747.01. Except as otherwise expressly provided or 28144
clearly appearing from the context, any term used in this chapter 28145
that is not otherwise defined in this section has the same meaning 28146
as when used in a comparable context in the laws of the United 28147
States relating to federal income taxes or if not used in a 28148
comparable context in those laws, has the same meaning as in 28149
section 5733.40 of the Revised Code. Any reference in this chapter 28150
to the Internal Revenue Code includes other laws of the United 28151
States relating to federal income taxes. 28152

As used in this chapter: 28153

(A) "Adjusted gross income" or "Ohio adjusted gross income" 28154
means federal adjusted gross income, as defined and used in the 28155
Internal Revenue Code, adjusted as provided in this section: 28156

(1) Add interest or dividends on obligations or securities of 28157
any state or of any political subdivision or authority of any 28158
state, other than this state and its subdivisions and authorities. 28159

(2) Add interest or dividends on obligations of any	28160
authority, commission, instrumentality, territory, or possession	28161
of the United States to the extent that the interest or dividends	28162
are exempt from federal income taxes but not from state income	28163
taxes.	28164
(3) Deduct interest or dividends on obligations of the United	28165
States and its territories and possessions or of any authority,	28166
commission, or instrumentality of the United States to the extent	28167
that the interest or dividends are included in federal adjusted	28168
gross income but exempt from state income taxes under the laws of	28169
the United States.	28170
(4) Deduct disability and survivor's benefits to the extent	28171
included in federal adjusted gross income.	28172
(5) Deduct benefits under Title II of the Social Security Act	28173
and tier 1 railroad retirement benefits to the extent included in	28174
federal adjusted gross income under section 86 of the Internal	28175
Revenue Code.	28176
(6) In the case of a taxpayer who is a beneficiary of a trust	28177
that makes an accumulation distribution as defined in section 665	28178
of the Internal Revenue Code, add, for the beneficiary's taxable	28179
years beginning before 2002, the portion, if any, of such	28180
distribution that does not exceed the undistributed net income of	28181
the trust for the three taxable years preceding the taxable year	28182
in which the distribution is made to the extent that the portion	28183
was not included in the trust's taxable income for any of the	28184
trust's taxable years beginning in 2002 or thereafter.	28185
"Undistributed net income of a trust" means the taxable income of	28186
the trust increased by (a)(i) the additions to adjusted gross	28187
income required under division (A) of this section and (ii) the	28188
personal exemptions allowed to the trust pursuant to section	28189
642(b) of the Internal Revenue Code, and decreased by (b)(i) the	28190
deductions to adjusted gross income required under division (A) of	28191

this section, (ii) the amount of federal income taxes attributable 28192
to such income, and (iii) the amount of taxable income that has 28193
been included in the adjusted gross income of a beneficiary by 28194
reason of a prior accumulation distribution. Any undistributed net 28195
income included in the adjusted gross income of a beneficiary 28196
shall reduce the undistributed net income of the trust commencing 28197
with the earliest years of the accumulation period. 28198

(7) Deduct the amount of wages and salaries, if any, not 28199
otherwise allowable as a deduction but that would have been 28200
allowable as a deduction in computing federal adjusted gross 28201
income for the taxable year, had the targeted jobs credit allowed 28202
and determined under sections 38, 51, and 52 of the Internal 28203
Revenue Code not been in effect. 28204

(8) Deduct any interest or interest equivalent on public 28205
obligations and purchase obligations to the extent that the 28206
interest or interest equivalent is included in federal adjusted 28207
gross income. 28208

(9) Add any loss or deduct any gain resulting from the sale, 28209
exchange, or other disposition of public obligations to the extent 28210
that the loss has been deducted or the gain has been included in 28211
computing federal adjusted gross income. 28212

(10) Deduct or add amounts, as provided under section 5747.70 28213
of the Revised Code, related to contributions to variable college 28214
savings program accounts made or tuition units purchased pursuant 28215
to Chapter 3334. of the Revised Code. 28216

(11)(a) Deduct, to the extent not otherwise allowable as a 28217
deduction or exclusion in computing federal or Ohio adjusted gross 28218
income for the taxable year, the amount the taxpayer paid during 28219
the taxable year for medical care insurance and qualified 28220
long-term care insurance for the taxpayer, the taxpayer's spouse, 28221
and dependents. No deduction for medical care insurance under 28222

division (A)(11) of this section shall be allowed either to any 28223
taxpayer who is eligible to participate in any subsidized health 28224
plan maintained by any employer of the taxpayer or of the 28225
taxpayer's spouse, or to any taxpayer who is entitled to, or on 28226
application would be entitled to, benefits under part A of Title 28227
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 28228
301, as amended. For the purposes of division (A)(11)(a) of this 28229
section, "subsidized health plan" means a health plan for which 28230
the employer pays any portion of the plan's cost. The deduction 28231
allowed under division (A)(11)(a) of this section shall be the net 28232
of any related premium refunds, related premium reimbursements, or 28233
related insurance premium dividends received during the taxable 28234
year. 28235

(b) Deduct, to the extent not otherwise deducted or excluded 28236
in computing federal or Ohio adjusted gross income during the 28237
taxable year, the amount the taxpayer paid during the taxable 28238
year, not compensated for by any insurance or otherwise, for 28239
medical care of the taxpayer, the taxpayer's spouse, and 28240
dependents, to the extent the expenses exceed seven and one-half 28241
per cent of the taxpayer's federal adjusted gross income. 28242

(c) For purposes of division (A)(11) of this section, 28243
"medical care" has the meaning given in section 213 of the 28244
Internal Revenue Code, subject to the special rules, limitations, 28245
and exclusions set forth therein, and "qualified long-term care" 28246
has the same meaning given in section 7702B(c) of the Internal 28247
Revenue Code. 28248

(12)(a) Deduct any amount included in federal adjusted gross 28249
income solely because the amount represents a reimbursement or 28250
refund of expenses that in any year the taxpayer had deducted as 28251
an itemized deduction pursuant to section 63 of the Internal 28252
Revenue Code and applicable United States department of the 28253
treasury regulations. The deduction otherwise allowed under 28254

division (A)(12)(a) of this section shall be reduced to the extent 28255
the reimbursement is attributable to an amount the taxpayer 28256
deducted under this section in any taxable year. 28257

(b) Add any amount not otherwise included in Ohio adjusted 28258
gross income for any taxable year to the extent that the amount is 28259
attributable to the recovery during the taxable year of any amount 28260
deducted or excluded in computing federal or Ohio adjusted gross 28261
income in any taxable year. 28262

(13) Deduct any portion of the deduction described in section 28263
1341(a)(2) of the Internal Revenue Code, for repaying previously 28264
reported income received under a claim of right, that meets both 28265
of the following requirements: 28266

(a) It is allowable for repayment of an item that was 28267
included in the taxpayer's adjusted gross income for a prior 28268
taxable year and did not qualify for a credit under division (A) 28269
or (B) of section 5747.05 of the Revised Code for that year; 28270

(b) It does not otherwise reduce the taxpayer's adjusted 28271
gross income for the current or any other taxable year. 28272

(14) Deduct an amount equal to the deposits made to, and net 28273
investment earnings of, a medical savings account during the 28274
taxable year, in accordance with section 3924.66 of the Revised 28275
Code. The deduction allowed by division (A)(14) of this section 28276
does not apply to medical savings account deposits and earnings 28277
otherwise deducted or excluded for the current or any other 28278
taxable year from the taxpayer's federal adjusted gross income. 28279

(15)(a) Add an amount equal to the funds withdrawn from a 28280
medical savings account during the taxable year, and the net 28281
investment earnings on those funds, when the funds withdrawn were 28282
used for any purpose other than to reimburse an account holder 28283
for, or to pay, eligible medical expenses, in accordance with 28284
section 3924.66 of the Revised Code; 28285

(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year.	28286 28287 28288
(16) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that such amount satisfies either of the following:	28289 28290 28291
(a) The amount was deducted or excluded from the computation of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code;	28292 28293 28294 28295
(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.	28296 28297 28298
(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section.	28299 28300 28301 28302 28303 28304 28305 28306
(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of	28307 28308 28309 28310 28311 28312 28313 28314 28315 28316

this state and is enrolled in or attending a program that 28317
culminates in a degree or diploma at an eligible institution. The 28318
deduction may be claimed only to the extent that qualified tuition 28319
and fees are not otherwise deducted or excluded for any taxable 28320
year from federal or Ohio adjusted gross income. The deduction may 28321
not be claimed for educational expenses for which the taxpayer 28322
claims a credit under section 5747.27 of the Revised Code. 28323

(19) Add any reimbursement received during the taxable year 28324
of any amount the taxpayer deducted under division (A)(18) of this 28325
section in any previous taxable year to the extent the amount is 28326
not otherwise included in Ohio adjusted gross income. 28327

(20)(a)(i) Add five-sixths of the amount of depreciation 28328
expense allowed by subsection (k) of section 168 of the Internal 28329
Revenue Code, including the taxpayer's proportionate or 28330
distributive share of the amount of depreciation expense allowed 28331
by that subsection to a pass-through entity in which the taxpayer 28332
has a direct or indirect ownership interest. 28333

(ii) Add five-sixths of the amount of qualifying section 179 28334
depreciation expense, including a person's proportionate or 28335
distributive share of the amount of qualifying section 179 28336
depreciation expense allowed to any pass-through entity in which 28337
the person has a direct or indirect ownership. For the purposes of 28338
this division, "qualifying section 179 depreciation expense" means 28339
the difference between (I) the amount of depreciation expense 28340
directly or indirectly allowed to the taxpayer under section 179 28341
of the Internal Revenue Code, and (II) the amount of depreciation 28342
expense directly or indirectly allowed to the taxpayer under 28343
section 179 of the Internal Revenue Code as that section existed 28344
on December 31, 2002. 28345

The tax commissioner, under procedures established by the 28346
commissioner, may waive the add-backs related to a pass-through 28347
entity if the taxpayer owns, directly or indirectly, less than 28348

five per cent of the pass-through entity. 28349

(b) Nothing in division (A)(20) of this section shall be 28350
construed to adjust or modify the adjusted basis of any asset. 28351

(c) To the extent the add-back required under division 28352
(A)(20)(a) of this section is attributable to property generating 28353
nonbusiness income or loss allocated under section 5747.20 of the 28354
Revised Code, the add-back shall be situated to the same location 28355
as the nonbusiness income or loss generated by the property for 28356
the purpose of determining the credit under division (A) of 28357
section 5747.05 of the Revised Code. Otherwise, the add-back shall 28358
be apportioned, subject to one or more of the four alternative 28359
methods of apportionment enumerated in section 5747.21 of the 28360
Revised Code. 28361

(d) For the purposes of division (A) of this section, net 28362
operating loss carryback and carryforward shall not include 28363
five-sixths of the allowance of any net operating loss deduction 28364
carryback or carryforward to the taxable year to the extent such 28365
loss resulted from depreciation allowed by section 168(k) of the 28366
Internal Revenue Code and by the qualifying section 179 28367
depreciation expense amount. 28368

(21)(a) If the taxpayer was required to add an amount under 28369
division (A)(20)(a) of this section for a taxable year, deduct 28370
one-fifth of the amount so added for each of the five succeeding 28371
taxable years. 28372

(b) If the amount deducted under division (A)(21)(a) of this 28373
section is attributable to an add-back allocated under division 28374
(A)(20)(c) of this section, the amount deducted shall be situated 28375
to the same location. Otherwise, the add-back shall be apportioned 28376
using the apportionment factors for the taxable year in which the 28377
deduction is taken, subject to one or more of the four alternative 28378
methods of apportionment enumerated in section 5747.21 of the 28379

Revised Code. 28380

(c) No deduction is available under division (A)(21)(a) of 28381
this section with regard to any depreciation allowed by section 28382
168(k) of the Internal Revenue Code and by the qualifying section 28383
179 depreciation expense amount to the extent that such 28384
depreciation resulted in or increased a federal net operating loss 28385
carryback or carryforward to a taxable year to which division 28386
(A)(20)(d) of this section does not apply. 28387

(22) Deduct, to the extent not otherwise deducted or excluded 28388
in computing federal or Ohio adjusted gross income for the taxable 28389
year, the amount the taxpayer received during the taxable year as 28390
reimbursement for life insurance premiums under section 5919.31 of 28391
the Revised Code. 28392

(23) Deduct, to the extent not otherwise deducted or excluded 28393
in computing federal or Ohio adjusted gross income for the taxable 28394
year, the amount the taxpayer received during the taxable year as 28395
a death benefit paid by the adjutant general under section 5919.33 28396
of the Revised Code. 28397

(24) Deduct, to the extent included in federal adjusted gross 28398
income and not otherwise allowable as a deduction or exclusion in 28399
computing federal or Ohio adjusted gross income for the taxable 28400
year, military pay and allowances received by the taxpayer during 28401
the taxable year for active duty service in the United States 28402
army, air force, navy, marine corps, or coast guard or reserve 28403
components thereof or the national guard. The deduction may not be 28404
claimed for military pay and allowances received by the taxpayer 28405
while the taxpayer is stationed in this state. 28406

(25) Deduct, to the extent not otherwise allowable as a 28407
deduction or exclusion in computing federal or Ohio adjusted gross 28408
income for the taxable year and not otherwise compensated for by 28409
any other source, the amount of qualified organ donation expenses 28410

incurred by the taxpayer during the taxable year, not to exceed 28411
ten thousand dollars. A taxpayer may deduct qualified organ 28412
donation expenses only once for all taxable years beginning with 28413
taxable years beginning in 2007. 28414

For the purposes of division (A)(25) of this section: 28415

(a) "Human organ" means all or any portion of a human liver, 28416
pancreas, kidney, intestine, or lung, and any portion of human 28417
bone marrow. 28418

(b) "Qualified organ donation expenses" means travel 28419
expenses, lodging expenses, and wages and salary forgone by a 28420
taxpayer in connection with the taxpayer's donation, while living, 28421
of one or more of the taxpayer's human organs to another human 28422
being. 28423

(26) Deduct, to the extent not otherwise deducted or excluded 28424
in computing federal or Ohio adjusted gross income for the taxable 28425
year, amounts received by the taxpayer as retired military 28426
personnel pay for service in the United States army, navy, air 28427
force, coast guard, or marine corps or reserve components thereof, 28428
or the national guard, or received by the surviving spouse or 28429
former spouse of such a taxpayer under the survivor benefit plan 28430
on account of such a taxpayer's death. If the taxpayer receives 28431
income on account of retirement paid under the federal civil 28432
service retirement system or federal employees retirement system, 28433
or under any successor retirement program enacted by the congress 28434
of the United States that is established and maintained for 28435
retired employees of the United States government, and such 28436
retirement income is based, in whole or in part, on credit for the 28437
taxpayer's military service, the deduction allowed under this 28438
division shall include only that portion of such retirement income 28439
that is attributable to the taxpayer's military service, to the 28440
extent that portion of such retirement income is otherwise 28441
included in federal adjusted gross income and is not otherwise 28442

deducted under this section. Any amount deducted under division 28443
(A)(26) of this section is not included in ~~the~~ a taxpayer's 28444
adjusted gross income for the purposes of section 5747.055 of the 28445
Revised Code. No amount may be deducted under division (A)(26) of 28446
this section on the basis of which a credit was claimed under 28447
section 5747.055 of the Revised Code. 28448

(27) Deduct, to the extent not otherwise deducted or excluded 28449
in computing federal or Ohio adjusted gross income for the taxable 28450
year, the amount the taxpayer received during the taxable year 28451
from the military injury relief fund created in section 5101.98 of 28452
the Revised Code. 28453

(B) "Business income" means income, including gain or loss, 28454
arising from transactions, activities, and sources in the regular 28455
course of a trade or business and includes income, gain, or loss 28456
from real property, tangible property, and intangible property if 28457
the acquisition, rental, management, and disposition of the 28458
property constitute integral parts of the regular course of a 28459
trade or business operation. "Business income" includes income, 28460
including gain or loss, from a partial or complete liquidation of 28461
a business, including, but not limited to, gain or loss from the 28462
sale or other disposition of goodwill. 28463

(C) "Nonbusiness income" means all income other than business 28464
income and may include, but is not limited to, compensation, rents 28465
and royalties from real or tangible personal property, capital 28466
gains, interest, dividends and distributions, patent or copyright 28467
royalties, or lottery winnings, prizes, and awards. 28468

(D) "Compensation" means any form of remuneration paid to an 28469
employee for personal services. 28470

(E) "Fiduciary" means a guardian, trustee, executor, 28471
administrator, receiver, conservator, or any other person acting 28472
in any fiduciary capacity for any individual, trust, or estate. 28473

(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.	28474 28475
(G) "Individual" means any natural person.	28476
(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	28477 28478
(I) "Resident" means any of the following, provided that division (I)(3) of this section applies only to taxable years of a trust beginning in 2002 or thereafter:	28479 28480 28481
(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;	28482 28483
(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.	28484 28485 28486 28487
(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.	28488 28489 28490
For the purposes of division (I)(3) of this section:	28491
(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:	28492 28493 28494 28495 28496 28497
(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section;	28498 28499 28500 28501
(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly	28502 28503

transferred assets to an irrevocable trust, but only if at least 28504
one of the trust's qualifying beneficiaries is domiciled in this 28505
state for the purposes of this chapter during all or some portion 28506
of the trust's current taxable year; 28507

(iii) A person who was domiciled in this state for the 28508
purposes of this chapter when the trust document or instrument or 28509
part of the trust document or instrument became irrevocable, but 28510
only if at least one of the trust's qualifying beneficiaries is a 28511
resident domiciled in this state for the purposes of this chapter 28512
during all or some portion of the trust's current taxable year. If 28513
a trust document or instrument became irrevocable upon the death 28514
of a person who at the time of death was domiciled in this state 28515
for purposes of this chapter, that person is a person described in 28516
division (I)(3)(a)(iii) of this section. 28517

(b) A trust is irrevocable to the extent that the transferor 28518
is not considered to be the owner of the net assets of the trust 28519
under sections 671 to 678 of the Internal Revenue Code. 28520

(c) With respect to a trust other than a charitable lead 28521
trust, "qualifying beneficiary" has the same meaning as "potential 28522
current beneficiary" as defined in section 1361(e)(2) of the 28523
Internal Revenue Code, and with respect to a charitable lead trust 28524
"qualifying beneficiary" is any current, future, or contingent 28525
beneficiary, but with respect to any trust "qualifying 28526
beneficiary" excludes a person or a governmental entity or 28527
instrumentality to any of which a contribution would qualify for 28528
the charitable deduction under section 170 of the Internal Revenue 28529
Code. 28530

(d) For the purposes of division (I)(3)(a) of this section, 28531
the extent to which a trust consists directly or indirectly, in 28532
whole or in part, of assets, net of any related liabilities, that 28533
were transferred directly or indirectly, in whole or part, to the 28534
trust by any of the sources enumerated in that division shall be 28535

ascertained by multiplying the fair market value of the trust's 28536
assets, net of related liabilities, by the qualifying ratio, which 28537
shall be computed as follows: 28538

(i) The first time the trust receives assets, the numerator 28539
of the qualifying ratio is the fair market value of those assets 28540
at that time, net of any related liabilities, from sources 28541
enumerated in division (I)(3)(a) of this section. The denominator 28542
of the qualifying ratio is the fair market value of all the 28543
trust's assets at that time, net of any related liabilities. 28544

(ii) Each subsequent time the trust receives assets, a 28545
revised qualifying ratio shall be computed. The numerator of the 28546
revised qualifying ratio is the sum of (1) the fair market value 28547
of the trust's assets immediately prior to the subsequent 28548
transfer, net of any related liabilities, multiplied by the 28549
qualifying ratio last computed without regard to the subsequent 28550
transfer, and (2) the fair market value of the subsequently 28551
transferred assets at the time transferred, net of any related 28552
liabilities, from sources enumerated in division (I)(3)(a) of this 28553
section. The denominator of the revised qualifying ratio is the 28554
fair market value of all the trust's assets immediately after the 28555
subsequent transfer, net of any related liabilities. 28556

(iii) Whether a transfer to the trust is by or from any of 28557
the sources enumerated in division (I)(3)(a) of this section shall 28558
be ascertained without regard to the domicile of the trust's 28559
beneficiaries. 28560

(e) For the purposes of division (I)(3)(a)(i) of this 28561
section: 28562

(i) A trust is described in division (I)(3)(e)(i) of this 28563
section if the trust is a testamentary trust and the testator of 28564
that testamentary trust was domiciled in this state at the time of 28565
the testator's death for purposes of the taxes levied under 28566

Chapter 5731. of the Revised Code. 28567

(ii) A trust is described in division (I)(3)(e)(ii) of this 28568
section if the transfer is a qualifying transfer described in any 28569
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 28570
irrevocable inter vivos trust, and at least one of the trust's 28571
qualifying beneficiaries is domiciled in this state for purposes 28572
of this chapter during all or some portion of the trust's current 28573
taxable year. 28574

(f) For the purposes of division (I)(3)(e)(ii) of this 28575
section, a "qualifying transfer" is a transfer of assets, net of 28576
any related liabilities, directly or indirectly to a trust, if the 28577
transfer is described in any of the following: 28578

(i) The transfer is made to a trust, created by the decedent 28579
before the decedent's death and while the decedent was domiciled 28580
in this state for the purposes of this chapter, and, prior to the 28581
death of the decedent, the trust became irrevocable while the 28582
decedent was domiciled in this state for the purposes of this 28583
chapter. 28584

(ii) The transfer is made to a trust to which the decedent, 28585
prior to the decedent's death, had directly or indirectly 28586
transferred assets, net of any related liabilities, while the 28587
decedent was domiciled in this state for the purposes of this 28588
chapter, and prior to the death of the decedent the trust became 28589
irrevocable while the decedent was domiciled in this state for the 28590
purposes of this chapter. 28591

(iii) The transfer is made on account of a contractual 28592
relationship existing directly or indirectly between the 28593
transferor and either the decedent or the estate of the decedent 28594
at any time prior to the date of the decedent's death, and the 28595
decedent was domiciled in this state at the time of death for 28596
purposes of the taxes levied under Chapter 5731. of the Revised 28597

Code.	28598
(iv) The transfer is made to a trust on account of a contractual relationship existing directly or indirectly between the transferor and another person who at the time of the decedent's death was domiciled in this state for purposes of this chapter.	28599 28600 28601 28602 28603
(v) The transfer is made to a trust on account of the will of a testator.	28604 28605
(vi) The transfer is made to a trust created by or caused to be created by a court, and the trust was directly or indirectly created in connection with or as a result of the death of an individual who, for purposes of the taxes levied under Chapter 5731. of the Revised Code, was domiciled in this state at the time of the individual's death.	28606 28607 28608 28609 28610 28611
(g) The tax commissioner may adopt rules to ascertain the part of a trust residing in this state.	28612 28613
(J) "Nonresident" means an individual or estate that is not a resident. An individual who is a resident for only part of a taxable year is a nonresident for the remainder of that taxable year.	28614 28615 28616 28617
(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.	28618 28619
(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.	28620 28621 28622 28623
(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.	28624 28625 28626 28627

(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.

(O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.

(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:

(1) "Subdivision" means any county, municipal corporation, park district, or township.

(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution.

(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.

(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows:

(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any

political subdivision or authority of any state, other than this 28658
state and its subdivisions and authorities, but only to the extent 28659
that such net amount is not otherwise includible in Ohio taxable 28660
income and is described in either division (S)(1)(a) or (b) of 28661
this section: 28662

(a) The net amount is not attributable to the S portion of an 28663
electing small business trust and has not been distributed to 28664
beneficiaries for the taxable year; 28665

(b) The net amount is attributable to the S portion of an 28666
electing small business trust for the taxable year. 28667

(2) Add interest or dividends, net of ordinary, necessary, 28668
and reasonable expenses not deducted in computing federal taxable 28669
income, on obligations of any authority, commission, 28670
instrumentality, territory, or possession of the United States to 28671
the extent that the interest or dividends are exempt from federal 28672
income taxes but not from state income taxes, but only to the 28673
extent that such net amount is not otherwise includible in Ohio 28674
taxable income and is described in either division (S)(1)(a) or 28675
(b) of this section; 28676

(3) Add the amount of personal exemption allowed to the 28677
estate pursuant to section 642(b) of the Internal Revenue Code; 28678

(4) Deduct interest or dividends, net of related expenses 28679
deducted in computing federal taxable income, on obligations of 28680
the United States and its territories and possessions or of any 28681
authority, commission, or instrumentality of the United States to 28682
the extent that the interest or dividends are exempt from state 28683
taxes under the laws of the United States, but only to the extent 28684
that such amount is included in federal taxable income and is 28685
described in either division (S)(1)(a) or (b) of this section; 28686

(5) Deduct the amount of wages and salaries, if any, not 28687
otherwise allowable as a deduction but that would have been 28688

allowable as a deduction in computing federal taxable income for 28689
the taxable year, had the targeted jobs credit allowed under 28690
sections 38, 51, and 52 of the Internal Revenue Code not been in 28691
effect, but only to the extent such amount relates either to 28692
income included in federal taxable income for the taxable year or 28693
to income of the S portion of an electing small business trust for 28694
the taxable year; 28695

(6) Deduct any interest or interest equivalent, net of 28696
related expenses deducted in computing federal taxable income, on 28697
public obligations and purchase obligations, but only to the 28698
extent that such net amount relates either to income included in 28699
federal taxable income for the taxable year or to income of the S 28700
portion of an electing small business trust for the taxable year; 28701

(7) Add any loss or deduct any gain resulting from sale, 28702
exchange, or other disposition of public obligations to the extent 28703
that such loss has been deducted or such gain has been included in 28704
computing either federal taxable income or income of the S portion 28705
of an electing small business trust for the taxable year; 28706

(8) Except in the case of the final return of an estate, add 28707
any amount deducted by the taxpayer on both its Ohio estate tax 28708
return pursuant to section 5731.14 of the Revised Code, and on its 28709
federal income tax return in determining federal taxable income; 28710

(9)(a) Deduct any amount included in federal taxable income 28711
solely because the amount represents a reimbursement or refund of 28712
expenses that in a previous year the decedent had deducted as an 28713
itemized deduction pursuant to section 63 of the Internal Revenue 28714
Code and applicable treasury regulations. The deduction otherwise 28715
allowed under division (S)(9)(a) of this section shall be reduced 28716
to the extent the reimbursement is attributable to an amount the 28717
taxpayer or decedent deducted under this section in any taxable 28718
year. 28719

(b) Add any amount not otherwise included in Ohio taxable income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio taxable income in any taxable year, but only to the extent such amount has not been distributed to beneficiaries for the taxable year.

(10) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's taxable income or the decedent's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year.

(b) It does not otherwise reduce the taxpayer's taxable income or the decedent's adjusted gross income for the current or any other taxable year.

(11) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that the amount satisfies either of the following:

(a) The amount was deducted or excluded from the computation of the taxpayer's federal taxable income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code;

(b) The amount resulted in a reduction in the taxpayer's federal taxable income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.

(12) Deduct any amount, net of related expenses deducted in computing federal taxable income, that a trust is required to report as farm income on its federal income tax return, but only

if the assets of the trust include at least ten acres of land 28751
satisfying the definition of "land devoted exclusively to 28752
agricultural use" under section 5713.30 of the Revised Code, 28753
regardless of whether the land is valued for tax purposes as such 28754
land under sections 5713.30 to 5713.38 of the Revised Code. If the 28755
trust is a pass-through entity investor, section 5747.231 of the 28756
Revised Code applies in ascertaining if the trust is eligible to 28757
claim the deduction provided by division (S)(12) of this section 28758
in connection with the pass-through entity's farm income. 28759

Except for farm income attributable to the S portion of an 28760
electing small business trust, the deduction provided by division 28761
(S)(12) of this section is allowed only to the extent that the 28762
trust has not distributed such farm income. Division (S)(12) of 28763
this section applies only to taxable years of a trust beginning in 28764
2002 or thereafter. 28765

(13) Add the net amount of income described in section 641(c) 28766
of the Internal Revenue Code to the extent that amount is not 28767
included in federal taxable income. 28768

(14) Add or deduct the amount the taxpayer would be required 28769
to add or deduct under division (A)(20) or (21) of this section if 28770
the taxpayer's Ohio taxable income were computed in the same 28771
manner as an individual's Ohio adjusted gross income is computed 28772
under this section. In the case of a trust, division (S)(14) of 28773
this section applies only to any of the trust's taxable years 28774
beginning in 2002 or thereafter. 28775

(T) "School district income" and "school district income tax" 28776
have the same meanings as in section 5748.01 of the Revised Code. 28777

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 28778
of this section, "public obligations," "purchase obligations," and 28779
"interest or interest equivalent" have the same meanings as in 28780
section 5709.76 of the Revised Code. 28781

(V) "Limited liability company" means any limited liability company formed under Chapter 1705. of the Revised Code or under the laws of any other state. 28782
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(W) "Pass-through entity investor" means any person who, during any portion of a taxable year of a pass-through entity, is a partner, member, shareholder, or equity investor in that pass-through entity. 28785
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(X) "Banking day" has the same meaning as in section 1304.01 of the Revised Code. 28789
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(Y) "Month" means a calendar month. 28791

(Z) "Quarter" means the first three months, the second three months, the third three months, or the last three months of the taxpayer's taxable year. 28792
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(AA)(1) "Eligible institution" means a state university or state institution of higher education as defined in section 3345.011 of the Revised Code, or a private, nonprofit college, university, or other post-secondary institution located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code or a certificate of registration issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code. 28795
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(2) "Qualified tuition and fees" means tuition and fees imposed by an eligible institution as a condition of enrollment or attendance, not exceeding two thousand five hundred dollars in each of the individual's first two years of post-secondary education. If the individual is a part-time student, "qualified tuition and fees" includes tuition and fees paid for the academic equivalent of the first two years of post-secondary education during a maximum of five taxable years, not exceeding a total of five thousand dollars. "Qualified tuition and fees" does not 28804
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include:	28813
(a) Expenses for any course or activity involving sports, games, or hobbies unless the course or activity is part of the individual's degree or diploma program;	28814 28815 28816
(b) The cost of books, room and board, student activity fees, athletic fees, insurance expenses, or other expenses unrelated to the individual's academic course of instruction;	28817 28818 28819
(c) Tuition, fees, or other expenses paid or reimbursed through an employer, scholarship, grant in aid, or other educational benefit program.	28820 28821 28822
(BB)(1) "Modified business income" means the business income included in a trust's Ohio taxable income after such taxable income is first reduced by the qualifying trust amount, if any.	28823 28824 28825
(2) "Qualifying trust amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied:	28826 28827 28828 28829 28830
(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, is available to the trust.	28831 28832 28833 28834 28835
(b) The requirements of section 5747.011 of the Revised Code are satisfied for the trust's taxable year in which the trust recognizes the gain or loss.	28836 28837 28838
Any gain or loss that is not a qualifying trust amount is modified business income, qualifying investment income, or modified nonbusiness income, as the case may be.	28839 28840 28841
(3) "Modified nonbusiness income" means a trust's Ohio	28842

taxable income other than modified business income, other than the 28843
qualifying trust amount, and other than qualifying investment 28844
income, as defined in section 5747.012 of the Revised Code, to the 28845
extent such qualifying investment income is not otherwise part of 28846
modified business income. 28847

(4) "Modified Ohio taxable income" applies only to trusts, 28848
and means the sum of the amounts described in divisions (BB)(4)(a) 28849
to (c) of this section: 28850

(a) The fraction, calculated under section 5747.013, and 28851
applying section 5747.231 of the Revised Code, multiplied by the 28852
sum of the following amounts: 28853

(i) The trust's modified business income; 28854

(ii) The trust's qualifying investment income, as defined in 28855
section 5747.012 of the Revised Code, but only to the extent the 28856
qualifying investment income does not otherwise constitute 28857
modified business income and does not otherwise constitute a 28858
qualifying trust amount. 28859

(b) The qualifying trust amount multiplied by a fraction, the 28860
numerator of which is the sum of the book value of the qualifying 28861
investee's physical assets in this state on the last day of the 28862
qualifying investee's fiscal or calendar year ending immediately 28863
prior to the day on which the trust recognizes the qualifying 28864
trust amount, and the denominator of which is the sum of the book 28865
value of the qualifying investee's total physical assets 28866
everywhere on the last day of the qualifying investee's fiscal or 28867
calendar year ending immediately prior to the day on which the 28868
trust recognizes the qualifying trust amount. If, for a taxable 28869
year, the trust recognizes a qualifying trust amount with respect 28870
to more than one qualifying investee, the amount described in 28871
division (BB)(4)(b) of this section shall equal the sum of the 28872
products so computed for each such qualifying investee. 28873

(c)(i) With respect to a trust or portion of a trust that is a resident as ascertained in accordance with division (I)(3)(d) of this section, its modified nonbusiness income. 28874
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(ii) With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the amount of its modified nonbusiness income satisfying the descriptions in divisions (B)(2) to (5) of section 5747.20 of the Revised Code, except as otherwise provided in division (BB)(4)(c)(ii) of this section. With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the trust's portion of modified nonbusiness income recognized from the sale, exchange, or other disposition of a debt interest in or equity interest in a section 5747.212 entity, as defined in section 5747.212 of the Revised Code, without regard to division (A) of that section, shall not be allocated to this state in accordance with section 5747.20 of the Revised Code but shall be apportioned to this state in accordance with division (B) of section 5747.212 of the Revised Code without regard to division (A) of that section. 28877
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If the allocation and apportionment of a trust's income under divisions (BB)(4)(a) and (c) of this section do not fairly represent the modified Ohio taxable income of the trust in this state, the alternative methods described in division (C) of section 5747.21 of the Revised Code may be applied in the manner and to the same extent provided in that section. 28894
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(5)(a) Except as set forth in division (BB)(5)(b) of this section, "qualifying investee" means a person in which a trust has an equity or ownership interest, or a person or unit of government the debt obligations of either of which are owned by a trust. For the purposes of division (BB)(2)(a) of this section and for the purpose of computing the fraction described in division (BB)(4)(b) 28900
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of this section, all of the following apply: 28906

(i) If the qualifying investee is a member of a qualifying 28907
controlled group on the last day of the qualifying investee's 28908
fiscal or calendar year ending immediately prior to the date on 28909
which the trust recognizes the gain or loss, then "qualifying 28910
investee" includes all persons in the qualifying controlled group 28911
on such last day. 28912

(ii) If the qualifying investee, or if the qualifying 28913
investee and any members of the qualifying controlled group of 28914
which the qualifying investee is a member on the last day of the 28915
qualifying investee's fiscal or calendar year ending immediately 28916
prior to the date on which the trust recognizes the gain or loss, 28917
separately or cumulatively own, directly or indirectly, on the 28918
last day of the qualifying investee's fiscal or calendar year 28919
ending immediately prior to the date on which the trust recognizes 28920
the qualifying trust amount, more than fifty per cent of the 28921
equity of a pass-through entity, then the qualifying investee and 28922
the other members are deemed to own the proportionate share of the 28923
pass-through entity's physical assets which the pass-through 28924
entity directly or indirectly owns on the last day of the 28925
pass-through entity's calendar or fiscal year ending within or 28926
with the last day of the qualifying investee's fiscal or calendar 28927
year ending immediately prior to the date on which the trust 28928
recognizes the qualifying trust amount. 28929

(iii) For the purposes of division (BB)(5)(a)(iii) of this 28930
section, "upper level pass-through entity" means a pass-through 28931
entity directly or indirectly owning any equity of another 28932
pass-through entity, and "lower level pass-through entity" means 28933
that other pass-through entity. 28934

An upper level pass-through entity, whether or not it is also 28935
a qualifying investee, is deemed to own, on the last day of the 28936
upper level pass-through entity's calendar or fiscal year, the 28937

proportionate share of the lower level pass-through entity's 28938
physical assets that the lower level pass-through entity directly 28939
or indirectly owns on the last day of the lower level pass-through 28940
entity's calendar or fiscal year ending within or with the last 28941
day of the upper level pass-through entity's fiscal or calendar 28942
year. If the upper level pass-through entity directly and 28943
indirectly owns less than fifty per cent of the equity of the 28944
lower level pass-through entity on each day of the upper level 28945
pass-through entity's calendar or fiscal year in which or with 28946
which ends the calendar or fiscal year of the lower level 28947
pass-through entity and if, based upon clear and convincing 28948
evidence, complete information about the location and cost of the 28949
physical assets of the lower pass-through entity is not available 28950
to the upper level pass-through entity, then solely for purposes 28951
of ascertaining if a gain or loss constitutes a qualifying trust 28952
amount, the upper level pass-through entity shall be deemed as 28953
owning no equity of the lower level pass-through entity for each 28954
day during the upper level pass-through entity's calendar or 28955
fiscal year in which or with which ends the lower level 28956
pass-through entity's calendar or fiscal year. Nothing in division 28957
(BB)(5)(a)(iii) of this section shall be construed to provide for 28958
any deduction or exclusion in computing any trust's Ohio taxable 28959
income. 28960

(b) With respect to a trust that is not a resident for the 28961
taxable year and with respect to a part of a trust that is not a 28962
resident for the taxable year, "qualifying investee" for that 28963
taxable year does not include a C corporation if both of the 28964
following apply: 28965

(i) During the taxable year the trust or part of the trust 28966
recognizes a gain or loss from the sale, exchange, or other 28967
disposition of equity or ownership interests in, or debt 28968
obligations of, the C corporation. 28969

(ii) Such gain or loss constitutes nonbusiness income.	28970
(6) "Available" means information is such that a person is able to learn of the information by the due date plus extensions, if any, for filing the return for the taxable year in which the trust recognizes the gain or loss.	28971 28972 28973 28974
(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.	28975 28976
(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code.	28977 28978
(EE)(1) For the purposes of division (EE) of this section:	28979
(a) "Qualifying person" means any person other than a qualifying corporation.	28980 28981
(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:	28982 28983 28984
(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;	28985 28986 28987 28988
(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.	28989 28990 28991 28992
(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.	28993 28994 28995
(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:	28996 28997
(1) "Trust" does not include a qualified pre-income tax trust.	28998 28999

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section.

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.

(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:

(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972;

(b) The trust became irrevocable upon the creation of the trust; and

(c) The grantor was domiciled in this state at the time the trust was created.

Sec. 5747.02. (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving income in this state, on every individual, trust, and estate earning or receiving lottery winnings, prizes, or awards pursuant

to Chapter 3770. of the Revised Code, and on every individual, 29030
trust, and estate otherwise having nexus with or in this state 29031
under the Constitution of the United States, an annual tax 29032
measured in the case of individuals by Ohio adjusted gross income 29033
less an exemption for the taxpayer, the taxpayer's spouse, and 29034
each dependent as provided in section 5747.025 of the Revised 29035
Code; measured in the case of trusts by modified Ohio taxable 29036
income under division (D) of this section; and measured in the 29037
case of estates by Ohio taxable income. The tax imposed by this 29038
section on the balance thus obtained is hereby levied as follows: 29039

(1) For taxable years beginning in 2004: 29040

OHIO ADJUSTED GROSS INCOME LESS 29041

EXEMPTIONS (INDIVIDUALS)

OR 29042

MODIFIED OHIO 29043

TAXABLE INCOME (TRUSTS) 29044

OR 29045

OHIO TAXABLE INCOME (ESTATES) TAX 29046

\$5,000 or less .743% 29047

More than \$5,000 but not more than \$10,000 \$37.15 plus 1.486% of the amount in excess of \$5,000 29048

More than \$10,000 but not more than \$15,000 \$111.45 plus 2.972% of the amount in excess of \$10,000 29049

More than \$15,000 but not more than \$20,000 \$260.05 plus 3.715% of the amount in excess of \$15,000 29050

More than \$20,000 but not more than \$40,000 \$445.80 plus 4.457% of the amount in excess of \$20,000 29051

More than \$40,000 but not more than \$80,000 \$1,337.20 plus 5.201% of the amount in excess of \$40,000 29052

More than \$80,000 but not more than \$100,000 \$3,417.60 plus 5.943% of the amount in excess of \$80,000 29053

More than \$100,000 but not more \$4,606.20 plus 6.9% of the 29054

than \$200,000	amount in excess of \$100,000	
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	29055
(2) For taxable years beginning in 2005:		29056
OHIO ADJUSTED GROSS INCOME LESS		29057
EXEMPTIONS (INDIVIDUALS)		
OR		29058
MODIFIED OHIO		29059
TAXABLE INCOME (TRUSTS)		29060
OR		29061
OHIO TAXABLE INCOME (ESTATES)	TAX	29062
\$5,000 or less	.712%	29063
More than \$5,000 but not more than \$10,000	\$35.60 plus 1.424% of the amount in excess of \$5,000	29064
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000	29065
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000	29066
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000	29067
More than \$40,000 but not more than \$80,000	\$1,281.10 plus 4.983% of the amount in excess of \$40,000	29068
More than \$80,000 but not more than \$100,000	\$3,274.30 plus 5.693% of the amount in excess of \$80,000	29069
More than \$100,000 but not more than \$200,000	\$4,412.90 plus 6.61% of the amount in excess of \$100,000	29070
More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000	29071
(3) For taxable years beginning in 2006:		29072
OHIO ADJUSTED GROSS INCOME LESS		29073
EXEMPTIONS (INDIVIDUALS)		
OR		29074

MODIFIED OHIO		29075
TAXABLE INCOME (TRUSTS)		29076
OR		29077
OHIO TAXABLE INCOME (ESTATES)	TAX	29078
\$5,000 or less	.681%	29079
More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	29080
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	29081
More than \$15,000 but not more than \$20,000	\$238.20 plus 3.403% of the amount in excess of \$15,000	29082
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	29083
More than \$40,000 but not more than \$80,000	\$1,224.95 plus 4.764% of the amount in excess of \$40,000	29084
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	29085
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	29086
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	29087
(4) For taxable years beginning in 2007:		29088
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		29089
OR		29090
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		29091
OR		29092
OHIO TAXABLE INCOME (ESTATES)	TAX	29093
\$5,000 or less	.649%	29094
More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	29095
More than \$10,000 but not more	\$97.40 plus 2.598% of the amount	29096
		29097

than \$15,000	in excess of \$10,000	
More than \$15,000 but not more than \$20,000	\$227.30 plus 3.247% of the amount in excess of \$15,000	29098
More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	29099
More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	29100
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	29101
More than \$100,000 but not more than \$200,000	\$4,025.85 plus 6.031% of the amount in excess of \$100,000	29102
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	29103
(5) For taxable years beginning in 2008:		29104
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		29105
OR		29106
MODIFIED OHIO		29107
TAXABLE INCOME (TRUSTS)		29108
OR		29109
OHIO TAXABLE INCOME (ESTATES)	TAX	29110
\$5,000 or less	.618%	29111
More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	29112
More than \$10,000 but not more than \$15,000	\$92.70 plus 2.473% of the amount in excess of \$10,000	29113
More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	29114
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	29115
More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	29116
More than \$80,000 but not more	\$2,843.30 plus 4.945% of the	29117

than \$100,000	amount in excess of \$80,000	
More than \$100,000 but not more than \$200,000	\$3,832.30 plus 5.741% of the amount in excess of \$100,000	29118
More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	29119
(6) For taxable years beginning in 2009 or thereafter:		29120
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		29121
OR		29122
MODIFIED OHIO		29123
TAXABLE INCOME (TRUSTS)		29124
OR		29125
OHIO TAXABLE INCOME (ESTATES)	TAX	29126
\$5,000 or less	.587%	29127
More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	29128
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	29129
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	29130
More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	29131
More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	29132
More than \$80,000 but not more than \$100,000	\$2,700.00 plus 4.695% of the amount in excess of \$80,000	29133
More than \$100,000 but not more than \$200,000	\$3,639.00 plus 5.451% of the amount in excess of \$100,000	29134
More than \$200,000	\$9,090.00 plus 5.925% of the amount in excess of \$200,000	29135
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		29136
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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 computed by multiplying the Ohio modified taxable income of the trust by the rates prescribed by division (A) of this section.

(2) A nonresident trust may claim a credit is allowed against 29170
the tax computed under division (D) of this section equal to the 29171
lesser of (1) the tax paid to another state or the District of 29172
Columbia on the nonresident trust's modified nonbusiness income, 29173
other than the portion of the nonresident trust's nonbusiness 29174
income that is qualifying investment income as defined in section 29175
5747.012 of the Revised Code, or (2) the effective tax rate, based 29176
on modified Ohio taxable income, multiplied by the nonresident 29177
trust's modified nonbusiness income other than the portion of the 29178
nonresident trust's nonbusiness income that is qualifying 29179
investment income. The credit applies before any other applicable 29180
credits. 29181

(3) The credits enumerated in divisions (A)(1) to (13) of 29182
section 5747.98 of the Revised Code do not apply to a trust 29183
subject to ~~this~~ division (D) of this section. Any credits 29184
enumerated in other divisions of section 5747.98 of the Revised 29185
Code apply to a trust subject to ~~this~~ division (D) of this 29186
section. To the extent that the trust distributes income for the 29187
taxable year for which a credit is available to the trust, the 29188
credit shall be shared by the trust and its beneficiaries. The tax 29189
commissioner and the trust shall be guided by applicable 29190
regulations of the United States treasury regarding the sharing of 29191
credits. 29192

(E) For the purposes of this section, "trust" means any trust 29193
described in Subchapter J of Chapter 1 of the Internal Revenue 29194
Code, excluding trusts that are not irrevocable as defined in 29195
division (I)(3)(b) of section 5747.01 of the Revised Code and that 29196
have no modified Ohio taxable income for the taxable year, 29197
charitable remainder trusts, qualified funeral trusts and preneed 29198
funeral contract trusts established pursuant to section 1111.19 of 29199
the Revised Code that are not qualified funeral trusts, endowment 29200
and perpetual care trusts, qualified settlement trusts and funds, 29201

designated settlement trusts and funds, and trusts exempted from 29202
taxation under section 501(a) of the Internal Revenue Code. 29203

Sec. 5747.082. (A) As used in this section: 29204

(1) "Electronic technology" means electronic technology 29205
acceptable to the tax commissioner under division (B) of this 29206
section. 29207

(2) "Original tax return" means any report, return, or other 29208
tax document required to be filed under this chapter for the 29209
purpose of reporting the taxes due under, and withholdings 29210
required by, this chapter. "Original tax return" does not include 29211
an amended return or any declaration or form required by or filed 29212
in connection with section 5747.09 of the Revised Code. 29213

(3) "Related member" has the same meaning as in section 29214
5733.042 of the Revised Code. 29215

(4) "Tax return preparer" means any person that operates a 29216
business that prepares, or directly or indirectly employs another 29217
person to prepare, for a taxpayer an original tax return in 29218
exchange for compensation or remuneration from the taxpayer or the 29219
taxpayer's related member. With respect to the preparation of a 29220
return or application for refund under this chapter, "tax return 29221
preparer" does not include an individual who performs only one or 29222
more of the following activities: 29223

(a) Furnishes typing, reproducing, or other mechanical 29224
assistance; 29225

(b) Prepares an application for refund or a return on behalf 29226
of an employer by whom the individual is regularly and 29227
continuously employed, or on behalf of an officer or employee of 29228
that employer; 29229

(c) Prepares as a fiduciary an application for refund or a 29230
return; 29231

(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. 29232
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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. 29237
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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. 29244
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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, in excess of seventy-five in a calendar year, 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 may refund all or any portion of the penalty the tax return preparer has paid. 29252
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Sec. 5748.022. A majority of the members of a board of 29262

education of a school district levying a tax under section 5748.02 29263
of the Revised Code may adopt a resolution reducing the rate of 29264
the tax by a multiple of one-fourth of one per cent. 29265

The resolution shall set forth the current rate of the tax, 29266
the reduced rate of tax that results from adoption of the 29267
resolution, the purpose or purposes for which the tax is levied, 29268
the remaining number of years the tax will be levied or that it is 29269
levied for a continuing period of time, and the date on which the 29270
reduced tax rate shall take effect, which shall be the ensuing 29271
first day of January occurring at least ~~sixty~~ forty-five days 29272
after a copy of the resolution is certified to the tax 29273
commissioner. 29274

Sec. 5749.17. Any information provided to the department of 29275
natural resources by the department of taxation in accordance with 29276
division (C)(11) of section 5703.21 of the Revised Code shall not 29277
be disclosed publicly by the department of natural resources, but 29278
the department of natural resources may provide such information 29279
to the attorney general for purposes of enforcement of the law. 29280

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 29281
the Revised Code: 29282

(1) "School district," "joint vocational school district," 29283
"local taxing unit," "recognized valuation," "fixed-rate levy," 29284
and "fixed-sum levy" have the same meanings as used in section 29285
5727.84 of the Revised Code. 29286

(2) "State education aid" for a school district means the sum 29287
of state aid amounts computed for the district under division (A) 29288
of section 3317.022 of the Revised Code, including the amounts 29289
calculated under sections 3317.029 and 3317.0217 of the Revised 29290
Code; divisions (C)(1), (C)(4), (D), (E), and (F) of section 29291
3317.022; divisions (B), (C), and (D) of section 3317.023; 29292

divisions (L) and (N) of section 3317.024; section 3317.0216; and 29293
any unit payments for gifted student services paid under sections 29294
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 29295
for fiscal years 2008 and 2009, the amount computed for the 29296
district under Section 269.20.80 of H.B. 119 of the 127th general 29297
assembly and as that section subsequently may be amended shall be 29298
substituted for the amount computed under division (D) of section 29299
3317.022 of the Revised Code, and the amount computed under 29300
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 29301
that section subsequently may be amended shall be included. 29302

(3) "State education aid" for a joint vocational school 29303
district means the sum of the state aid computed for the district 29304
under division (N) of section 3317.024 and section 3317.16 of the 29305
Revised Code, except that, for fiscal years 2008 and 2009, the 29306
amount computed under Section 269.30.80 of H.B. 119 of the 127th 29307
general assembly and as that section subsequently may be amended 29308
shall be included. 29309

(4) "State education aid offset" means the amount determined 29310
for each school district or joint vocational school district under 29311
division (A)(1) of section 5751.21 of the Revised Code. 29312

(5) "Machinery and equipment property tax value loss" means 29313
the amount determined under division (C)(1) of this section. 29314

(6) "Inventory property tax value loss" means the amount 29315
determined under division (C)(2) of this section. 29316

(7) "Furniture and fixtures property tax value loss" means 29317
the amount determined under division (C)(3) of this section. 29318

(8) "Machinery and equipment fixed-rate levy loss" means the 29319
amount determined under division (D)(1) of this section. 29320

(9) "Inventory fixed-rate levy loss" means the amount 29321
determined under division (D)(2) of this section. 29322

- (10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section. 29323
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- (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. 29325
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- (12) "Fixed-sum levy loss" means the amount determined under division (E) of this section. 29329
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- (13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code. 29331
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- (14) "Inventory" means personal property subject to the assessment rate specified in division (E) of section 5711.22 of the Revised Code. 29334
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- (15) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code. 29337
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- (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. 29340
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- (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. 29346
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- (18) "Telephone property tax value loss" means the amount determined under division (C)(4) of this section. 29350
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- (19) "Telephone property fixed-rate levy loss" means the 29352

amount determined under division (D)(4) of this section. 29353

(B) The commercial activities tax receipts fund is hereby 29354
 created in the state treasury and shall consist of money arising 29355
 from the tax imposed under this chapter. All money in that fund 29356
 shall be credited for each fiscal year in the following 29357
 percentages to the general revenue fund, to the school district 29358
 tangible property tax replacement fund, which is hereby created in 29359
 the state treasury for the purpose of making the payments 29360
 described in section 5751.21 of the Revised Code, and to the local 29361
 government tangible property tax replacement fund, which is hereby 29362
 created in the state treasury for the purpose of making the 29363
 payments described in section 5751.22 of the Revised Code, in the 29364
 following percentages: 29365

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%	29367
2007	0%	70.0%	30.0%	29368
2008	0%	70.0%	30.0%	29369
2009	0%	70.0%	30.0%	29370
2010	0%	70.0%	30.0%	29371
2011	0%	70.0%	30.0%	29372
2012	5.3%	70.0%	24.7%	29373
2013	10.6%	70.0%	19.4%	29374
2014	14.1%	70.0%	15.9%	29375
2015	17.6%	70.0%	12.4%	29376
2016	21.1%	70.0%	8.9%	29377
2017	24.6%	70.0%	5.4%	29378
2018	28.1%	70.0%	1.9%	29379
2019 and thereafter	30%	70%	0%	29380

(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 twenty-three.

(3) Furniture and fixtures property tax value loss is the

taxable value of furniture and fixture property as reported by	29411
taxpayers for tax year 2004 multiplied by:	29412
(a) For tax year 2006, twenty-five per cent;	29413
(b) For tax year 2007, fifty per cent;	29414
(c) For tax year 2008, seventy-five per cent;	29415
(d) For tax year 2009 and thereafter, one hundred per cent.	29416
The taxable value of property reported by taxpayers used in	29417
divisions (C)(1), (2), and (3) of this section shall be such	29418
values as determined to be final by the tax commissioner as of	29419
August 31, 2005. Such determinations shall be final except for any	29420
correction of a clerical error that was made prior to August 31,	29421
2005, by the tax commissioner.	29422
(4) Telephone property tax value loss is the taxable value of	29423
telephone property as taxpayers would have reported that property	29424
for tax year 2004 if the assessment rate for all telephone	29425
property for that year were twenty-five per cent, multiplied by:	29426
(a) For tax year 2006, zero per cent;	29427
(b) For tax year 2007, zero per cent;	29428
(c) For tax year 2008, zero per cent;	29429
(d) For tax year 2009, sixty per cent;	29430
(e) For tax year 2010, eighty per cent;	29431
(f) For tax year 2011 and thereafter, one hundred per cent.	29432
(5) Division (C)(5) of this section applies to any school	29433
district, joint vocational school district, or local taxing unit	29434
in a county in which is located a facility currently or formerly	29435
devoted to the enrichment or commercialization of uranium or	29436
uranium products, and for which the total taxable value of	29437
property listed on the general tax list of personal property for	29438
any tax year from tax year 2001 to tax year 2004 was fifty per	29439

cent or less of the taxable value of such property listed on the 29440
general tax list of personal property for the next preceding tax 29441
year. 29442

In computing the fixed-rate levy losses under divisions 29443
(D)(1), (2), and (3) of this section for any school district, 29444
joint vocational school district, or local taxing unit to which 29445
division (C)(5) of this section applies, the taxable value of such 29446
property as listed on the general tax list of personal property 29447
for tax year 2000 shall be substituted for the taxable value of 29448
such property as reported by taxpayers for tax year 2004, in the 29449
taxing district containing the uranium facility, if the taxable 29450
value listed for tax year 2000 is greater than the taxable value 29451
reported by taxpayers for tax year 2004. For the purpose of making 29452
the computations under divisions (D)(1), (2), and (3) of this 29453
section, the tax year 2000 valuation is to be allocated to 29454
machinery and equipment, inventory, and furniture and fixtures 29455
property in the same proportions as the tax year 2004 values. For 29456
the purpose of the calculations in division (A) of section 5751.21 29457
of the Revised Code, the tax year 2004 taxable values shall be 29458
used. 29459

To facilitate the calculations required under division (C) of 29460
this section, the county auditor, upon request from the tax 29461
commissioner, shall provide by August 1, 2005, the values of 29462
machinery and equipment, inventory, and furniture and fixtures for 29463
all single-county personal property taxpayers for tax year 2004. 29464

(D) Not later than September 15, 2005, the tax commissioner 29465
shall determine for each tax year from 2006 through 2009 for each 29466
school district, joint vocational school district, and local 29467
taxing unit its machinery and equipment, inventory, and furniture 29468
and fixtures fixed-rate levy losses, and for each tax year from 29469
2006 through 2011 its telephone property fixed-rate levy loss, 29470
which are the applicable amounts described in divisions (D)(1), 29471

(2), (3), and (4) of this section:	29472
(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.	29473 29474 29475
(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.	29476 29477 29478
(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.	29479 29480 29481
(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.	29482 29483 29484
(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:	29485 29486 29487 29488 29489 29490
(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 <u>imposed under section 5705.194 or 5705.213 of the Revised Code</u> that are qualifying levies not remaining in effect for the current year. For 2011 through 2017 in the case of school district emergency levies <u>imposed under section 5705.194 or 5705.213 of the Revised Code</u> and	29491 29492 29493 29494 29495 29496 29497 29498 29499 29500 29501 29502

for all years after 2010 in the case of other fixed-sum levies, 29503
this computation shall include only qualifying levies remaining in 29504
effect for the current year. For purposes of this computation, a 29505
qualifying school district ~~emergency~~ levy imposed under section 29506
5705.194 or 5705.213 of the Revised Code remains in effect in a 29507
year after 2010 only if, for that year, the board of education 29508
levies a school district ~~emergency~~ levy imposed under section 29509
5705.194 or 5705.213 of the Revised Code for an annual sum at 29510
least equal to the annual sum levied by the board in tax year 2004 29511
less the amount of the payment certified under this division for 29512
2006. 29513

(2) The total taxable value in tax year 2004 less the sum of 29514
the machinery and equipment, inventory, furniture and fixtures, 29515
and telephone property tax value losses in each school district, 29516
joint vocational school district, and local taxing unit multiplied 29517
by one-half of one mill per dollar. 29518

(3) For the calculations in divisions (E)(1) and (2) of this 29519
section, the tax value losses are those that would be calculated 29520
for tax year 2009 under divisions (C)(1), (2), and (3) of this 29521
section and for tax year 2011 under division (C)(4) of this 29522
section. 29523

(4) To facilitate the calculation under divisions (D) and (E) 29524
of this section, not later than September 1, 2005, any school 29525
district, joint vocational school district, or local taxing unit 29526
that has a qualifying levy that was approved at an election 29527
conducted during 2005 before September 1, 2005, shall certify to 29528
the tax commissioner a copy of the county auditor's certificate of 29529
estimated property tax millage for such levy as required under 29530
division (B) of section 5705.03 of the Revised Code, which is the 29531
rate that shall be used in the calculations under such divisions. 29532

If the amount determined under division (E) of this section 29533
for any school district, joint vocational school district, or 29534

local taxing unit is greater than zero, that amount shall equal 29535
the reimbursement to be paid pursuant to division ~~(D)~~ (E) of 29536
section 5751.21 or division (A)(3) of section 5751.22 of the 29537
Revised Code, and the one-half of one mill that is subtracted 29538
under division (E)(2) of this section shall be apportioned among 29539
all contributing fixed-sum levies in the proportion that each levy 29540
bears to the sum of all fixed-sum levies within each school 29541
district, joint vocational school district, or local taxing unit. 29542

(F) Not later than October 1, 2005, the tax commissioner 29543
shall certify to the department of education for every school 29544
district and joint vocational school district the machinery and 29545
equipment, inventory, furniture and fixtures, and telephone 29546
property tax value losses determined under division (C) of this 29547
section, the machinery and equipment, inventory, furniture and 29548
fixtures, and telephone fixed-rate levy losses determined under 29549
division (D) of this section, and the fixed-sum levy losses 29550
calculated under division (E) of this section. The calculations 29551
under divisions (D) and (E) of this section shall separately 29552
display the levy loss for each levy eligible for reimbursement. 29553

(G) Not later than October 1, 2005, the tax commissioner 29554
shall certify the amount of the fixed-sum levy losses to the 29555
county auditor of each county in which a school district, joint 29556
vocational school district, or local taxing unit with a fixed-sum 29557
levy loss reimbursement has territory. 29558

Sec. 5751.21. (A) Not later than the ~~fifteenth~~ thirtieth day 29559
of July of 2007 through 2017, the department of education shall 29560
consult with the director of budget and management and determine 29561
the following for each school district and each joint vocational 29562
school district eligible for payment under division (B) of this 29563
section: 29564

(1) The state education aid offset, which is the difference 29565

obtained by subtracting the amount described in division (A)(1)(b) 29566
of this section from the amount described in division (A)(1)(a) of 29567
this section: 29568

(a) The state education aid computed for the school district 29569
or joint vocational school district for the current fiscal year as 29570
of the ~~fifteenth~~ thirtieth day of July; 29571

(b) The state education aid that would be computed for the 29572
school district or joint vocational school district for the 29573
current fiscal year as of the ~~fifteenth~~ thirtieth day of July if 29574
the recognized valuation included the machinery and equipment, 29575
inventory, furniture and fixtures, and telephone property tax 29576
value losses for the school district or joint vocational school 29577
district for the second preceding tax year, and if taxes charged 29578
and payable associated with the tax value losses are accounted for 29579
in any state education aid computation dependent on taxes charged 29580
and payable. 29581

(2) The greater of zero or the difference obtained by 29582
subtracting the state education aid offset determined under 29583
division (A)(1) of this section from the sum of the machinery and 29584
equipment fixed-rate levy loss, the inventory fixed-rate levy 29585
loss, furniture and fixtures fixed-rate levy loss, and telephone 29586
property fixed-rate levy loss certified under division (F) of 29587
section 5751.20 of the Revised Code for all taxing districts in 29588
each school district and joint vocational school district for the 29589
second preceding tax year. 29590

By the ~~twentieth~~ thirtieth day of July of each such year, the 29591
department of education and the director of budget and management 29592
shall agree upon the amount to be determined under division (A)(1) 29593
of this section. 29594

(B)(1) On or before the thirtieth day of June of each fiscal 29595
year beginning in 2008, the department of education shall 29596

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.

(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.

(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:

(1) On or before May 31, 2006, one-seventh of the total fixed-rate levy loss for tax year 2006;

(2) On or before August 31, 2006, and October 31, 2006, one-half of six-sevenths of the total fixed-rate levy loss for tax year 2006;

(3) On or before May 31, 2007, one-seventh of the total fixed-rate levy loss for tax year 2007;

(4) On or before August 31, 2007, and October 31, 2007, forty-three per cent of the amount determined under division (A)(2) of this section for fiscal year 2008, but not less than zero, plus one-half of six-sevenths of the difference between the total fixed-rate levy loss for tax year 2007 and the total fixed-rate levy loss for tax year 2006.

(5) On or before ~~May 31~~ June 30, 2008, fourteen per cent of 29628
the amount determined under division (A)(2) of this section for 29629
fiscal year 2008, but not less than zero, plus one-seventh of the 29630
difference between the total fixed-rate levy loss for tax year 29631
2008 and the total fixed-rate levy loss for tax year 2006. 29632

(6) On or before August 31, 2008, and October 31, 2008, 29633
forty-three per cent of the amount determined under division 29634
(A)(2) of this section for fiscal year 2009, but not less than 29635
zero, plus one-half of six-sevenths of the difference between the 29636
total fixed-rate levy loss in tax year 2008 and the total 29637
fixed-rate levy loss in tax year 2007. 29638

(7) On or before ~~May 31~~ June 30, 2009, fourteen per cent of 29639
the amount determined under division (A)(2) of this section for 29640
fiscal year 2009, but not less than zero, plus one-seventh of the 29641
difference between the total fixed-rate levy loss for tax year 29642
2009 and the total fixed-rate levy loss for tax year 2007. 29643

(8) On or before August 31, 2009, and October 31, 2009, 29644
forty-three per cent of the amount determined under division 29645
(A)(2) of this section for fiscal year 2010, but not less than 29646
zero, plus one-half of six-sevenths of the difference between the 29647
total fixed-rate levy loss in tax year 2009 and the total 29648
fixed-rate levy loss in tax year 2008. 29649

(9) On or before ~~May 31~~ June 30, 2010, fourteen per cent of 29650
the amount determined under division (A)(2) of this section for 29651
fiscal year 2010, but not less than zero, plus one-seventh of the 29652
difference between the total fixed-rate levy loss in tax year 2010 29653
and the total fixed-rate levy loss in tax year 2008. 29654

(10) On or before August 31, 2010, and October 31, 2010, 29655
forty-three per cent of the amount determined under division 29656
(A)(2) of this section for fiscal year 2011, but not less than 29657
zero, plus one-half of six-sevenths of the difference between the 29658

telephone property fixed-rate levy loss for tax year 2010 and the 29659
telephone property fixed-rate levy loss for tax year 2009. 29660

(11) On or before ~~May 31~~ June 30, 2011, fourteen per cent of 29661
the amount determined under division (A)(2) of this section for 29662
fiscal year 2011, but not less than zero, plus one-seventh of the 29663
difference between the telephone property fixed-rate levy loss for 29664
tax year 2011 and the telephone property fixed-rate levy loss for 29665
tax year 2009. 29666

(12) On or before August 31, 2011, and October 31, 2011, the 29667
amount determined under division (A)(2) of this section multiplied 29668
by a fraction, the numerator of which is fourteen and the 29669
denominator of which is seventeen, but not less than zero, 29670
multiplied by forty-three per cent, plus one-half of six-sevenths 29671
of the difference between the telephone property fixed-rate levy 29672
loss for tax year 2011 and the telephone property fixed-rate levy 29673
loss for tax year 2010. 29674

(13) On or before ~~May 31~~ June 30, 2012, fourteen per cent of 29675
the amount determined under division (A)(2) of this section for 29676
fiscal year 2012, multiplied by a fraction, the numerator of which 29677
is fourteen and the denominator of which is seventeen, plus 29678
one-seventh of the difference between the telephone property 29679
fixed-rate levy loss for tax year 2011 and the telephone property 29680
fixed-rate levy loss for tax year 2010. 29681

(14) On or before August 31, 2012, October 31, 2012, and ~~May~~ 29682
~~31~~ June 30, 2013, the amount determined under division (A)(2) of 29683
this section multiplied by a fraction, the numerator of which is 29684
eleven and the denominator of which is seventeen, but not less 29685
than zero, multiplied by one-third. 29686

(15) On or before August 31, 2013, October 31, 2013, and ~~May~~ 29687
~~31~~ June 30, 2014, the amount determined under division (A)(2) of 29688
this section multiplied by a fraction, the numerator of which is 29689

nine and the denominator of which is seventeen, but not less than 29690
zero, multiplied by one-third. 29691

(16) On or before August 31, 2014, October 31, 2014, and ~~May~~ 29692
~~31 June 30~~, 2015, the amount determined under division (A)(2) of 29693
this section multiplied by a fraction, the numerator of which is 29694
seven and the denominator of which is seventeen, but not less than 29695
zero, multiplied by one-third. 29696

(17) On or before August 31, 2015, October 31, 2015, and ~~May~~ 29697
~~31 June 30~~, 2016, the amount determined under division (A)(2) of 29698
this section multiplied by a fraction, the numerator of which is 29699
five and the denominator of which is seventeen, but not less than 29700
zero, multiplied by one-third. 29701

(18) On or before August 31, 2016, October 31, 2016, and ~~May~~ 29702
~~31 June 30~~, 2017, the amount determined under division (A)(2) of 29703
this section multiplied by a fraction, the numerator of which is 29704
three and the denominator of which is seventeen, but not less than 29705
zero, multiplied by one-third. 29706

(19) On or before August 31, 2017, October 31, 2017, and ~~May~~ 29707
~~31 June 30~~, 2018, the amount determined under division (A)(2) of 29708
this section multiplied by a fraction, the numerator of which is 29709
one and the denominator of which is seventeen, but not less than 29710
zero, multiplied by one-third. 29711

The department of education shall report to each school 29712
district and joint vocational school district the apportionment of 29713
the payments among the school district's or joint vocational 29714
school district's funds based on the certifications under division 29715
(F) of section 5751.20 of the Revised Code. 29716

Any qualifying levy that is a fixed-rate levy that is not 29717
applicable to a tax year after 2010 does not qualify for any 29718
reimbursement after the tax year to which it is last applicable. 29719

~~(C)~~(D) For taxes levied within the ten-mill limitation for 29720

debt purposes in tax year 2005, payments shall be made equal to 29721
one hundred per cent of the loss computed as if the tax were a 29722
fixed-rate levy, but those payments shall extend from fiscal year 29723
2006 through fiscal year 2018, as long as the qualifying levy 29724
continues to be used for debt purposes. If the purpose of such a 29725
qualifying levy is changed, that levy becomes subject to the 29726
payments determined in division ~~(B)~~(C) of this section. 29727

~~(D)~~(E)(1) Not later than January 1, 2006, for each fixed-sum 29728
levy of each school district or joint vocational school district 29729
and for each year for which a determination is made under division 29730
(F) of section 5751.20 of the Revised Code that a fixed-sum levy 29731
loss is to be reimbursed, the tax commissioner shall certify to 29732
the department of education the fixed-sum levy loss determined 29733
under that division. The certification shall cover a time period 29734
sufficient to include all fixed-sum levies for which the 29735
commissioner made such a determination. The department shall pay 29736
from the school district property tax replacement fund to the 29737
school district or joint vocational school district one-third of 29738
the fixed-sum levy loss so certified for each year on or before 29739
the last day of ~~May~~ June, August, and October of the current year. 29740

(2) Beginning in 2006, by the first day of January of each 29741
year, the tax commissioner shall review the certification 29742
originally made under division ~~(D)~~(E)(1) of this section. If the 29743
commissioner determines that a debt levy that had been scheduled 29744
to be reimbursed in the current year has expired, a revised 29745
certification for that and all subsequent years shall be made to 29746
the department of education. 29747

~~(E)~~(F) Beginning in September 2007 and through June 2018, the 29748
director of budget and management shall transfer from the school 29749
district tangible property tax replacement fund to the general 29750
revenue fund each of the following: 29751

(1) On the first day of September, one-fourth of the amount 29752

determined for that fiscal year under division (A)(1) of this section; 29753
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(2) On the first day of December, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section; 29755
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(3) On the first day of March, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section; 29758
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(4) On the first day of June, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section. 29761
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If, when a transfer is required under division ~~(E)~~(F)(1), (2), (3), or (4) of this section, there is not sufficient money in the school district tangible property tax replacement fund to make the transfer in the required amount, the director shall transfer the balance in the fund to the general revenue fund and may make additional transfers on later dates as determined by the director in a total amount that does not exceed one-fourth of the amount determined for the fiscal year. 29764
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~~(F)~~(G) For each of the fiscal years 2006 through 2018, if the total amount in the school district tangible property tax replacement fund is insufficient to make all payments under divisions ~~(B)~~(C), ~~(C)~~(D), and ~~(D)~~(E) of this section at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district tangible property tax replacement fund the difference between the total amount to be paid and the amount in the school district tangible property tax replacement fund. For each fiscal year after 2018, at the time payments under division ~~(D)~~(E) of this section are to be made, the director of budget and management shall transfer from the general revenue fund to the school 29772
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district property tax replacement fund the amount necessary to 29784
make such payments. 29785

~~(G)~~(H)(1) On the fifteenth day of June of 2006 through 2011, 29786
the director of budget and management may transfer any balance in 29787
the school district tangible property tax replacement fund to the 29788
general revenue fund. At the end of fiscal years 2012 through 29789
2018, any balance in the school district tangible property tax 29790
replacement fund shall remain in the fund to be used in future 29791
fiscal years for school purposes. 29792

(2) In each fiscal year beginning with fiscal year 2019, all 29793
amounts credited to the school district tangible personal property 29794
tax replacement fund shall be appropriated for school purposes. 29795

~~(H)~~(I) If all of the territory of a school district or joint 29796
vocational school district is merged with another district, or if 29797
a part of the territory of a school district or joint vocational 29798
school district is transferred to an existing or newly created 29799
district, the department of education, in consultation with the 29800
tax commissioner, shall adjust the payments made under this 29801
section as follows: 29802

(1) For a merger of two or more districts, the machinery and 29803
equipment, inventory, furniture and fixtures, and telephone 29804
property fixed-rate levy losses and the fixed-sum levy losses of 29805
the successor district shall be equal to the sum of the machinery 29806
and equipment, inventory, furniture and fixtures, and telephone 29807
property fixed-rate levy losses and debt levy losses as determined 29808
in section 5751.20 of the Revised Code, for each of the districts 29809
involved in the merger. 29810

(2) If property is transferred from one district to a 29811
previously existing district, the amount of machinery and 29812
equipment, inventory, furniture and fixtures, and telephone 29813
property tax value losses and fixed-rate levy losses that shall be 29814

transferred to the recipient district shall be an amount equal to 29815
the total machinery and equipment, inventory, furniture and 29816
fixtures, and telephone property fixed-rate levy losses times a 29817
fraction, the numerator of which is the value of business tangible 29818
personal property on the land being transferred in the most recent 29819
year for which data are available, and the denominator of which is 29820
the total value of business tangible personal property in the 29821
district from which the land is being transferred in the most 29822
recent year for which data are available. For each of the first 29823
five years after the property is transferred, but not after fiscal 29824
year 2012, if the tax rate in the recipient district is less than 29825
the tax rate of the district from which the land was transferred, 29826
one-half of the payments arising from the amount of fixed-rate 29827
levy losses so transferred to the recipient district shall be paid 29828
to the recipient district and one-half of the payments arising 29829
from the fixed-rate levy losses so transferred shall be paid to 29830
the district from which the land was transferred. Fixed-rate levy 29831
losses so transferred shall be computed on the basis of the sum of 29832
the rates of fixed-rate qualifying levies of the district from 29833
which the land was transferred, notwithstanding division ~~(D)~~(E) of 29834
this section. 29835

(3) After December 31, 2004, if property is transferred from 29836
one or more districts to a district that is newly created out of 29837
the transferred property, the newly created district shall be 29838
deemed not to have any machinery and equipment, inventory, 29839
furniture and fixtures, or telephone property fixed-rate levy 29840
losses and the districts from which the property was transferred 29841
shall have no reduction in their machinery and equipment, 29842
inventory, furniture and fixtures, and telephone property 29843
fixed-rate levy losses. 29844

(4) If the recipient district under division ~~(H)~~(I)(2) of 29845
this section or the newly created district under divisions 29846

~~(H)~~(I)(3) of this section is assuming debt from one or more of 29847
the districts from which the property was transferred and any of 29848
the districts losing the property had fixed-sum levy losses, the 29849
department of education, in consultation with the tax 29850
commissioner, shall make an equitable division of the fixed-sum 29851
levy loss reimbursements. 29852

Sec. 6101.53. To maintain, operate, and preserve the 29853
reservoirs, ditches, drains, dams, levies, canals, sewers, pumping 29854
stations, treatment and disposal works, or other properties or 29855
improvements acquired or made pursuant to this chapter, to 29856
strengthen, repair, and restore the same, when needed, and to 29857
defray the current expenses of the conservancy district, the board 29858
of directors of the district may, upon the substantial completion 29859
of the improvements and on or before the ~~first~~ fifteenth day of 29860
September in each year thereafter, levy an assessment upon each 29861
tract or parcel of land and upon each public corporation within 29862
the district, subject to assessments under this chapter, to be 29863
known as a conservancy maintenance assessment. No assessment shall 29864
be made with respect to works and improvements acquired or 29865
constructed for the purpose of providing a water supply for 29866
domestic, industrial, and public use within the district, when the 29867
water supply can be metered or measured when furnished to persons 29868
or public corporations. If the district, for the benefit of one or 29869
more persons or political subdivisions, provides a water supply 29870
that recharges underground aquifers and thereby replenishes wells 29871
or provides a source of water for new wells, or increases the 29872
natural low flow of a stream used for water supply, or creates an 29873
impoundment, in such a way that the augmented use of water cannot 29874
be metered or measured for individual or public consumption, the 29875
board may make a maintenance assessment against benefited property 29876
and public corporations in the same manner provided in this 29877
section for maintenance of other properties or improvements. 29878

The maintenance assessment shall be apportioned upon the 29879
basis of the total appraisal of benefits accruing for original and 29880
subsequent construction, shall not exceed one per cent of the 29881
total appraisal of benefits in any one year unless the court by 29882
its order authorizes an assessment of a larger percentage, shall 29883
not be less than two dollars, and shall be certified to the county 29884
auditor of each county in which lands of the district are located 29885
in the conservancy assessment record but in a separate column in 29886
like manner and at the same time as the annual installment of the 29887
assessment levied under section 6101.48 of the Revised Code is 29888
certified, under the heading maintenance assessment. The auditor 29889
shall certify the same to the county treasurer of the county at 29890
the same time that the auditor certifies the annual installment of 29891
the assessments levied under that section, and the sum of the 29892
levies for any tract or public corporation may be certified as a 29893
single item. The treasurer shall demand and collect the 29894
maintenance assessment and make return of it, and shall be liable 29895
for the same penalties for failure to do so as are provided for 29896
the annual installment of the assessment levied under section 29897
6101.48 of the Revised Code. 29898

The amount of the maintenance assessment paid by any parcel 29899
of land or public corporation shall not be credited against the 29900
benefits assessed against the parcel of land or public 29901
corporation, but the maintenance assessment shall be in addition 29902
to any assessment that has been or can be levied under section 29903
6101.48 of the Revised Code. 29904

To maintain, operate, and preserve the works and improvements 29905
of the district acquired or constructed for the purpose of 29906
providing a water supply, to strengthen, repair, and restore the 29907
same, and to defray the current expenses of the district for this 29908
purpose, the board may impose rates for the sale of water to 29909
public corporations and persons within the district. The rates to 29910

be charged for the water shall be fixed and adjusted by the board 29911
at intervals of not less than one year, so that the income thus 29912
produced will be adequate to provide a maintenance fund for the 29913
purpose of water supply. Contracts for supplying water to public 29914
corporations and persons shall be entered into before the service 29915
is rendered by the district. Contracts shall specify the maximum 29916
quantity of water to be furnished to the public corporation or 29917
person, and the quantity shall be fixed so as equitably to 29918
distribute the supply. Preference shall be given to water supply 29919
furnished to public corporations for domestic and public uses. 29920
Bills for water supplied to public corporations shall be rendered 29921
at regular intervals and shall be payable from the waterworks fund 29922
of the public corporation or, if it is not sufficient, from the 29923
general fund. 29924

Sec. 6101.55. The board of directors of a conservancy 29925
district shall each year after the original assessment has been 29926
levied determine, order, and levy the annual levy, which shall 29927
include all assessments, or installments of assessments, together 29928
with interest, levied under this chapter, which become due in the 29929
ensuing year. The annual levy shall be due and be collected at the 29930
same time that state and county taxes are due and collected. After 29931
bonds have been sold, in the determination of an annual levy, the 29932
rate of interest upon the unpaid installments of an assessment 29933
shall be the rate borne by the bonds that have been issued and 29934
sold pursuant to the assessment. The annual levy shall be recorded 29935
in the conservancy assessment record, shall be signed and 29936
certified by the president of the board and by the secretary of 29937
the conservancy district not later than the ~~first~~ fifteenth day of 29938
September each year, and shall thereafter become a permanent 29939
record in the office of the district. 29940

The certificate of the annual levy shall be substantially as 29941
set forth in section 6101.84 of the Revised Code. Then shall 29942

follow both of the following: 29943

(A) The descriptions of the property opposite the names of 29944
the owners; 29945

(B) The total amount of the annual levy on each piece of 29946
property and on each public corporation for the account of all 29947
funds and the amount of each item making up the total. 29948

The form of the annual levy portion of the conservancy 29949
assessment record as prescribed in this section may be modified 29950
with the approval of the auditor of state. The certificate of the 29951
annual levy and the annual levy portion of the conservancy 29952
assessment record shall be named " Assessment Record of 29953
..... District, County, Ohio." 29954

One copy of that part of the assessment record affecting 29955
lands and public corporations in any county shall be forwarded to 29956
the county auditor of that county. The auditor of each county 29957
shall set up as a charge upon the county treasurer the total 29958
amount of assessments levied as shown by the assessment record, 29959
and shall certify the record as other tax records to the county 29960
treasurer of the county. The treasurer shall collect the amount 29961
according to law. The assessment record shall be the treasurer's 29962
warrant and authority to demand and receive the assessments due in 29963
the county as found in the ~~the~~ record. 29964

In the event of any failure of the board to determine and 29965
order an annual levy for the purpose of paying the interest and 29966
principal of any bonds pursuant to this chapter, the auditor of 29967
the county in which the lands and public corporations subject to 29968
the assessments are situated shall make and complete a levy of the 29969
special assessments necessary for the purpose against the lands 29970
and public corporations in the district, and each piece of 29971
property in that county against which benefits have been 29972
appraised. Any assessment so made and completed by the auditor 29973

shall be made and completed by the auditor in the manner provided 29974
for the making and completion of an assessment by the board, and 29975
shall have the same effect as a levy of assessments determined and 29976
ordered by the board. 29977

Sec. 6117.01. (A) As used in this chapter: 29978

(1) "Sanitary facilities" means sanitary sewers, force mains, 29979
lift or pumping stations, and facilities for the treatment, 29980
disposal, impoundment, or storage of wastes; equipment and 29981
furnishings; and all required appurtenances and necessary real 29982
estate and interests in real estate. 29983

(2) "Drainage" or "waters" means flows from rainfall or 29984
otherwise produced by, or resulting from, the elements, storm 29985
water discharges and releases or migrations of waters from 29986
properties, accumulations, flows, and overflows of water, 29987
including accelerated flows and runoffs, flooding and threats of 29988
flooding of properties and structures, and other surface and 29989
subsurface drainage. 29990

(3) "Drainage facilities" means storm sewers, force mains, 29991
pumping stations, and facilities for the treatment, disposal, 29992
impoundment, retention, control, or storage of waters; 29993
improvements of or for any channel, ditch, drain, floodway, or 29994
watercourse, including location, construction, reconstruction, 29995
reconditioning, widening, deepening, cleaning, removal of 29996
obstructions, straightening, boxing, culverting, tiling, filling, 29997
walling, arching, or change in course, location, or terminus; 29998
improvements of or for a river, creek, or run, including 29999
reinforcement of banks, enclosing, deepening, widening, 30000
straightening, removal of obstructions, or change in course, 30001
location, or terminus; facilities for the protection of lands from 30002
the overflow of water, including a levee, wall, embankment, jetty, 30003
dike, dam, sluice, revetment, reservoir, retention or holding 30004

basin, control gate, or breakwater; facilities for controlled 30005
drainage, regulation of stream flow, and protection of an outlet; 30006
the vacation of a ditch or drain; equipment and furnishings; and 30007
all required appurtenances and necessary real estate and interests 30008
in real estate. 30009

(4) "County sanitary engineer" means either of the following: 30010

(a) The registered professional engineer employed or 30011
appointed by the board of county commissioners to be the county 30012
sanitary engineer as provided in this section ~~6117.01 of the~~ 30013
~~Revised Code;~~ 30014

(b) The county engineer, if, for as long as and to the extent 30015
that engineer by agreement entered into under section 315.14 of 30016
the Revised Code is retained to discharge duties of a county 30017
sanitary engineer under this chapter. 30018

(5) "Current operating expenses," "debt charges," "permanent 30019
improvement," "public obligations," and "subdivision" have the 30020
same meanings as in section 133.01 of the Revised Code. 30021

(6) "Construct," "construction," or "constructing" means 30022
construction, reconstruction, enlargement, extension, improvement, 30023
renovation, repair, and replacement of sanitary or drainage 30024
facilities or of prevention or replacement facilities, but does 30025
not include any repairs, replacements, or similar actions that do 30026
not constitute and qualify as permanent improvements. 30027

(7) "Maintain," "maintaining," or "maintenance" means 30028
repairs, replacements, and similar actions that constitute and are 30029
payable as current operating expenses and that are required to 30030
restore sanitary or drainage facilities or prevention or 30031
replacement facilities to, or to continue sanitary or drainage 30032
facilities or prevention or replacement facilities in, good order 30033
and working condition, but does not include construction of 30034
permanent improvements. 30035

(8) "Public agency" means a state and any agency or
subdivision of a state, including a county, a municipal
corporation, or other subdivision.

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(9) "Combined sewer" means a sewer system that is designed to
collect and convey sewage, including domestic, commercial, and
industrial wastewater, and storm water through a single-pipe
system to a treatment works or combined sewer overflow outfall
approved by the director of environmental protection.

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(10) "Prevention or replacement facilities" means vegetated
swales or median strips, permeable pavement, trees and tree boxes,
rain barrels and cisterns, rain gardens and filtration planters,
vegetated roofs, wetlands, riparian buffers, and practices and
structures that use or mimic natural processes to filter or reuse
storm water.

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(B)(1) For the purpose of preserving and promoting the public
health and welfare, a board of county commissioners may lay out,
establish, consolidate, or otherwise modify the boundaries of, and
maintain, one or more sewer districts within the county and
outside municipal corporations and may have a registered
professional engineer make the surveys necessary for the
determination of the proper boundaries of each district, which
shall be designated by an appropriate name or number. The board
may acquire, construct, maintain, and operate within any district
sanitary or drainage facilities that it determines to be necessary
or appropriate for the collection of sewage and other wastes
originating in or entering the district, to comply with the
provisions of a contract entered into for the purposes described
in sections 6117.41 to 6117.44 of the Revised Code and pursuant to
those sections or other applicable provisions of law, or for the
collection, control, or abatement of waters originating or
accumulating in, or flowing in, into, or through, the district,
and other sanitary or drainage facilities, within or outside of

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the district, that it determines to be necessary or appropriate to 30068
conduct the wastes and waters to a proper outlet and to provide 30069
for their proper treatment, disposal, and disposition. The board 30070
may provide for the protection of the sanitary and drainage 30071
facilities and may negotiate and enter into a contract with any 30072
public agency or person for the management, maintenance, 30073
operation, and repair of any of the facilities on behalf of the 30074
county upon the terms and conditions that may be agreed upon with 30075
the agency or person and that may be determined by the board to be 30076
in the best interests of the county. By contract with any public 30077
agency or person operating sanitary or drainage facilities within 30078
or outside of the county, the board may provide a proper outlet 30079
for any of the wastes and waters and for their proper treatment, 30080
disposal, and disposition. 30081

(2) For purposes of preventing storm water from entering a 30082
combined sewer and causing an overflow or an inflow to a sanitary 30083
sewer, the board may acquire, design, construct, operate, repair, 30084
maintain, and provide for a project or program that separates 30085
storm water from a combined sewer or for a prevention or 30086
replacement facility that prevents or minimizes storm water from 30087
entering a combined sewer or a sanitary sewer. 30088

(C) The board of county commissioners may employ a registered 30089
professional engineer to be the county sanitary engineer for the 30090
time and on the terms it considers best and may authorize the 30091
county sanitary engineer to employ necessary assistants upon the 30092
terms fixed by the board. Prior to the initial assignment of 30093
drainage facilities duties to the county sanitary engineer, if the 30094
county sanitary engineer is not the county engineer, the board 30095
first shall offer to enter into an agreement with the county 30096
engineer pursuant to section 315.14 of the Revised Code for 30097
assistance in the performance of those duties of the board 30098
pertaining to drainage facilities, and the county engineer shall 30099

accept or reject the offer within thirty days after the date the offer is made. 30100
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The board may create and maintain a sanitary engineering department, which shall be under its supervision and which shall be headed by the county sanitary engineer, for the purpose of aiding it in the performance of its duties under this chapter and Chapter 6103. of the Revised Code or its other duties regarding sanitation, drainage, and water supply provided by law. The board shall provide suitable facilities for the use of the department and shall provide for and pay the compensation of the county sanitary engineer and all authorized necessary expenses of the county sanitary engineer and the sanitary engineering department. The county sanitary engineer, with the approval of the board, may appoint necessary assistants and clerks, and the compensation of those assistants and clerks shall be provided for and paid by the board. 30102
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(D) The board of county commissioners may adopt, publish, administer, and enforce rules for the construction, maintenance, protection, and use of county-owned or county-operated sanitary and drainage facilities and prevention or replacement facilities outside municipal corporations, and of sanitary and drainage facilities and prevention or replacement facilities within municipal corporations that are owned or operated by the county or that discharge into sanitary or drainage facilities or prevention or replacement facilities owned or operated by the county, including, but not limited to, rules for the establishment and use of any connections, the termination in accordance with reasonable procedures of sanitary service for the nonpayment of county sanitary rates and charges and, if so determined, the concurrent termination of any county water service for the nonpayment of those rates and charges, the termination in accordance with reasonable procedures of drainage service for the nonpayment of 30116
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county drainage rates and charges, and the establishment and use 30132
of security deposits to the extent considered necessary to ensure 30133
the payment of county sanitary or drainage rates and charges. The 30134
rules shall not be inconsistent with the laws of this state or any 30135
applicable rules of the director of environmental protection. 30136
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(E) No sanitary or drainage facilities or prevention or 30138
replacement facilities shall be constructed in any county outside 30139
municipal corporations by any person until the plans and 30140
specifications have been approved by the board of county 30141
commissioners, and any construction shall be done under the 30142
supervision of the county sanitary engineer. Not less than thirty 30143
days before the date drainage plans are submitted to the board for 30144
its approval, the plans shall be submitted to the county engineer. 30145
If the county engineer is of the opinion after review that the 30146
facilities will have a significant adverse effect on roads, 30147
culverts, bridges, or existing maintenance within the county, the 30148
county engineer may submit a written opinion to the board not 30149
later than thirty days after the date the plans are submitted to 30150
the county engineer. The board may take action relative to the 30151
drainage plans only after the earliest of receiving the written 30152
opinion of the county engineer, receiving a written waiver of 30153
submission of an opinion from the county engineer, or passage of 30154
thirty days from the date the plans are submitted to the county 30155
engineer. Any person constructing the facilities shall pay to the 30156
county all expenses incurred by the board in connection with the 30157
construction 30158

(F) The county sanitary engineer or the county sanitary 30159
engineer's authorized assistants or agents, when properly 30160
identified in writing or otherwise and after written notice is 30161
delivered to the owner at least five days in advance or is mailed 30162
at least five days in advance by first class or certified mail to 30163

the owner's tax mailing address, may enter upon any public or 30164
private property for the purpose of making, and may make, surveys 30165
or inspections necessary for the laying out of sewer districts or 30166
the design or evaluation of county sanitary or drainage facilities 30167
or prevention or replacement facilities. This entry is not a 30168
trespass and is not to be considered an entry in connection with 30169
any appropriation of property proceedings under sections 163.01 to 30170
163.22 of the Revised Code that may be pending. No person or 30171
public agency shall forbid the county sanitary engineer or the 30172
county sanitary engineer's authorized assistants or agents to 30173
enter, or interfere with their entry, upon the property for that 30174
purpose or forbid or interfere with their making of surveys or 30175
inspections. If actual damage is done to property by the making of 30176
the surveys and inspections, the board shall pay the reasonable 30177
value of the damage to the property owner, and the cost shall be 30178
included in the cost of the facilities and may be included in any 30179
special assessments to be levied and collected to pay that cost. 30180

Sec. 6117.011. A board of county commissioners in the manner 30181
provided in this section may make surveys of water supply, 30182
sanitary facilities, ~~or~~ drainage facilities, or prevention or 30183
replacement facilities for any sewer district, the acquisition or 30184
construction of which is contemplated. 30185

Any board desiring to make a survey shall adopt a resolution 30186
declaring its purpose and necessity. In making the surveys, the 30187
board may call upon engineering officers or employees regularly 30188
employed by the board or may authorize and enter into contracts 30189
for the services of registered professional engineers to make the 30190
surveys. 30191

The surveys authorized by this section may include drawings, 30192
plans, specifications, estimates of cost of labor and materials, 30193
other items of cost, assessment rolls, and other facts, material, 30194

data, reports, and information and recommendations that the board 30195
considers advisable or necessary for the purpose. 30196

Contracts entered into for the surveys shall be considered 30197
contracts for professional services and may provide for 30198
preliminary surveys or the making of detailed plans, or both, and 30199
also may provide for engineering supervision of the work. No 30200
contract shall be valid unless one or more of the services to be 30201
performed are by its terms to be commenced within one year after 30202
the contract date. 30203

The contracts shall be signed by at least two members of the 30204
board and by the engineer agreeing to perform the service, and one 30205
signed copy of the contract shall be filed with the fiscal officer 30206
of the county, whose certificate, otherwise required by section 30207
5705.41 of the Revised Code, need not be provided. Payment for the 30208
contracts may be made from the general fund or any other fund 30209
legally available for that use at the times that are agreed upon 30210
or as determined by the board. The proceeds of any public 30211
obligations issued pursuant to section 6119.36 of the Revised Code 30212
or any other public obligations issued or incurred to pay the cost 30213
of facilities to which a survey relates may be used to pay any 30214
part of the cost under the contracts or to reimburse the fund from 30215
which payment was made. 30216

Sec. 6117.012. (A) A board of county commissioners may adopt 30217
rules requiring owners of property within the district whose 30218
property is served by a connection to sewers maintained and 30219
operated by the board or to sewers that are connected to 30220
interceptor sewers maintained and operated by the board to do any 30221
of the following: 30222

(1) Disconnect ~~stormwater~~ storm water inflows to sanitary 30223
sewers maintained and operated by the board and not operated as a 30224
combined sewer, or to connections with those sewers; 30225

(2) Disconnect non-stormwater <u>non-storm water</u> inflows to	30226
stormwater <u>storm water</u> sewers maintained and operated by the board	30227
and not operated as a combined sewer, or to connections with those	30228
<u>storm water</u> sewers;	30229
(3) Reconnect or relocate any such disconnected inflows in	30230
compliance with board rules and applicable building codes, health	30231
codes, or other relevant codes;	30232
(4) Prevent sewer back-ups into properties that have	30233
experienced one or more overflows <u>back-ups</u> of sanitary or combined	30234
sewers maintained and operated by the board;	30235
<u>(5) Prevent storm water from entering a combined sewer and</u>	30236
<u>causing an overflow or an inflow to a sanitary sewer, which</u>	30237
<u>prevention may include projects or programs that separate the</u>	30238
<u>storm water from a combined sewer or that utilize a prevention or</u>	30239
<u>replacement facility to prevent or minimize storm water from</u>	30240
<u>entering a combined sewer or a sanitary sewer.</u>	30241
(B) Any inflow required to be disconnected or any sewer	30242
back-up required to be prevented under a rule adopted pursuant to	30243
division <u>divisions</u> (A)(1) to (4) of this section constitutes a	30244
nuisance subject to injunctive relief and abatement pursuant to	30245
Chapter 3767. of the Revised Code or as otherwise permitted by	30246
law.	30247
(C) A board of county commissioners may use sewer district	30248
funds; county general fund moneys; <u>the proceeds of bonds issued</u>	30249
<u>under Chapter 133. or 165. of the Revised Code;</u> and, to the extent	30250
permitted by their terms, loans, grants, or other moneys from	30251
appropriate state or federal funds, for either of the following:	30252
(1) The cost of disconnections, reconnections, relocations,	30253
<u>combined sewer overflow prevention,</u> or sewer back-up prevention	30254
required by rules adopted pursuant to division (A) of this	30255
section, performed by the county or under contract with the	30256

county; 30257

(2) Payments to the property owner or a contractor hired by 30258
the property owner pursuant to a competitive process established 30259
by district rules, for the cost of disconnections, reconnections, 30260
relocations, combined sewer overflow prevention, or sewer back-up 30261
prevention required by rules adopted pursuant to division (A) of 30262
this section after the board, pursuant to its rules, has approved 30263
the work to be performed and after the county has received from 30264
the property owner a statement releasing the county from all 30265
liability in connection with the disconnections, reconnections, 30266
relocations, combined sewer overflow prevention, or sewer back-up 30267
prevention. 30268

(D) Except as provided in division (E) of this section, the 30269
board of county commissioners shall require in its rules regarding 30270
disconnections, reconnections, ~~or~~ relocations of sewers, combined 30271
sewer overflow prevention, or sewer back-up prevention the 30272
reimbursement of moneys expended pursuant to division (C) of this 30273
section by either of the following methods: 30274

(1) A charge to the property owner in the amount of the 30275
payment made pursuant to division (C) of this section for 30276
immediate payment or payment in installments with interest as 30277
determined by the board not to exceed ten per cent, which payments 30278
may be billed as a separate item with the rents charged to that 30279
owner for use of the sewers. The board may approve installment 30280
payments for a period of not more than fifteen years. If charges 30281
are to be paid in installments, the board shall certify to the 30282
county auditor information sufficient to identify each subject 30283
parcel of property, the total of the charges to be paid in 30284
installments, and the total number of installments to be paid. The 30285
auditor shall record the information in the sewer improvement 30286
record until these charges are paid in full. Charges not paid when 30287
due shall be certified to the county auditor, who shall place the 30288

charges upon the real property tax list and duplicate against that 30289
property. Those charges shall be a lien on the property from the 30290
date they are placed on the tax list and duplicate and shall be 30291
collected in the same manner as other taxes. 30292

(2) A special assessment levied against the property, payable 30293
in the number of years the board determines, not to exceed fifteen 30294
years, with interest as determined by the board not to exceed ten 30295
per cent. The board shall certify the assessments to the county 30296
auditor, stating the amount and time of payment. The auditor shall 30297
record the information in the county sewer improvement record, 30298
showing separately the assessments to be collected, and shall 30299
place the assessments upon the real property tax list and 30300
duplicate for collection. The assessments shall be a lien on the 30301
property from the date they are placed on the tax list and 30302
duplicate and shall be collected in the same manner as other 30303
taxes. 30304

(E) The county may adopt a resolution specifying a maximum 30305
amount of the cost of any disconnection, reconnection, relocation, 30306
combined sewer overflow prevention, or sewer back-up prevention 30307
required pursuant to division (A) of this section that may be paid 30308
by the county for each affected parcel of property without 30309
requiring reimbursement. That amount may be allowed only if there 30310
is a building code, health code, or other relevant code, or a 30311
federally imposed or state-imposed consent decree that is filed or 30312
otherwise recorded in a court of competent jurisdiction, 30313
applicable to the affected parcel that prohibits in the future any 30314
inflows, combined sewer overflows, or sewer back-ups not allowed 30315
under rules adopted pursuant to division (A)(1) ~~or~~, (4), or (5) of 30316
this section. The board, by rule, shall establish criteria for 30317
determining how much of the maximum amount for each qualifying 30318
parcel need not be reimbursed. 30319

(F) Disconnections, reconnections, relocations, combined 30320

sewer overflow prevention, or sewer back-up prevention required 30321
under this section and performed by a contractor under contract 30322
with the property owner shall not be considered a public 30323
improvement, and those performed by the county shall be considered 30324
a public improvement as defined in section 4115.03 of the Revised 30325
Code. 30326

Disconnections, reconnections, relocations, combined sewer 30327
overflow prevention, or sewer back-up prevention required under 30328
this section performed by a contractor under contract with the 30329
property owner shall not be subject to competitive bidding or 30330
public bond laws. 30331

(G) Property owners shall be responsible for maintaining any 30332
improvements made or facilities constructed on private property to 30333
reconnect or relocate disconnected inflows, for combined sewer 30334
overflow prevention, or for sewer back-up prevention pursuant to 30335
this section unless a public easement or other agreement exists 30336
for the county to maintain that improvement or facility. 30337

(H) A board of county commissioners may provide rate 30338
reductions of and credits against charges for the use of sewers to 30339
a property owner that implements a project or program that 30340
prevents storm water from entering a combined sewer and causing an 30341
overflow. Such a project or program may include the use of a 30342
prevention or replacement facility to handle storm water that has 30343
been separated from a combined sewer. The revised rates or charges 30344
shall be collected and paid to the county treasurer in accordance 30345
with section 6117.02 of the Revised Code. 30346

Sec. 6117.04. The authority of a board of county 30347
commissioners to acquire, construct, maintain, and operate 30348
sanitary or drainage facilities or prevention or replacement 30349
facilities for a county sewer district in the territory of a 30350
municipal corporation, or a regional district established under 30351

Chapter 6119. of the Revised Code, that is in whole or in part 30352
within the county sewer district is the same as provided by law 30353
with respect to territory within a county sewer district that is 30354
wholly outside a municipal corporation or a regional district, 30355
subject to the following in the case of facilities within a 30356
municipal corporation: 30357

(A) The acquisition, construction, maintenance, and operation 30358
of the facilities shall first be authorized by an ordinance or 30359
resolution of the legislative authority of the municipal 30360
corporation. 30361

(B) All road surfaces, curbs, sidewalks, sewers, water supply 30362
facilities, or other public improvements or property that may be 30363
disturbed or damaged by the construction of the facilities shall 30364
be replaced or restored within a reasonable time by the county, 30365
and the cost shall be treated as a part of the cost of the 30366
facilities. 30367

(C) The municipal corporation, with the prior approval of or 30368
by agreement with the board, may make use of the facilities in 30369
accordance with rules established by the board and subject to any 30370
applicable requirements of the director of environmental 30371
protection. 30372

Sec. 6117.05. (A) Whenever any portion of a sewer district is 30373
incorporated as, or annexed to, a municipal corporation, the area 30374
so incorporated or annexed shall remain under the jurisdiction of 30375
the board of county commissioners for purposes of the acquisition 30376
and construction of sanitary and drainage facility and prevention 30377
or replacement facility improvements until all of those 30378
improvements for the area for which a resolution described in 30379
division (A) or (E) of section 6117.06 of the Revised Code has 30380
been adopted by the board have been acquired or completed or until 30381
the board has abandoned the improvements. The board, unless and 30382

until a conveyance is made to a municipal corporation in 30383
accordance with division (B) of this section, shall continue to 30384
have jurisdiction in the area so incorporated or annexed with 30385
respect to the management, maintenance, and operation of all 30386
sanitary and drainage facilities and prevention or replacement 30387
facilities so acquired or completed, or previously acquired or 30388
completed, including the right to establish rules and rates and 30389
charges for the use of, and connections to, the facilities. The 30390
incorporation or annexation of any part of a district shall not 30391
affect the legality or enforceability of any public obligations 30392
issued or incurred by the county for purposes of this chapter to 30393
provide for the payment of the cost of acquisition, construction, 30394
maintenance, or operation of any sanitary or drainage facilities 30395
or prevention or replacement facilities within the area, or the 30396
validity of any assessments levied or to be levied upon properties 30397
within the area to provide for the payment of the cost of 30398
acquisition, construction, maintenance, or operation of the 30399
facilities. 30400

(B) Any completed sanitary or drainage facilities or 30401
prevention or replacement facilities acquired or constructed by a 30402
county under this chapter for the use of any county sewer 30403
district, or any part of those facilities, that are located within 30404
a municipal corporation or within any area that is incorporated 30405
as, or annexed to, a municipal corporation, or any part of the 30406
facilities that serve a municipal corporation or such an area, may 30407
be conveyed, by mutual agreement between the board and the 30408
municipal corporation, to the municipal corporation on terms and 30409
for consideration as may be negotiated. Upon and after the 30410
conveyance, the municipal corporation shall manage, maintain, and 30411
operate the facilities in accordance with the agreement. The board 30412
may retain the right to joint use of all or part of any facilities 30413
so conveyed for the benefit of the district. Neither the validity 30414
of any assessment levied or to be levied, nor the legality or 30415

enforceability of any public obligations issued or incurred, to 30416
provide for the payment of the cost of the acquisition, 30417
construction, maintenance, or operation of the facilities or any 30418
part of them, shall be affected by the conveyance. 30419

Sec. 6117.06. (A) After the establishment of any sewer 30420
district, the board of county commissioners, if a sanitary or 30421
drainage facility or prevention or replacement facility 30422
improvement is to be undertaken, may have the county sanitary 30423
engineer prepare, or otherwise cause to be prepared, for the 30424
district, or revise as needed, a general plan of sewerage or 30425
drainage that is as complete in each case as can be developed at 30426
the time and that is devised with regard to any existing sanitary 30427
or drainage facilities or prevention or replacement facilities in 30428
the district and present as well as prospective needs for 30429
additional sanitary or drainage facilities or prevention or 30430
replacement facilities in the district. After the general plan, in 30431
original or revised form, has been approved by the board, it may 30432
adopt a resolution generally describing the improvement that is 30433
necessary to be acquired or constructed in accordance with the 30434
particular plan, declaring that the improvement is necessary for 30435
the preservation and promotion of the public health and welfare, 30436
and determining whether or not special assessments are to be 30437
levied and collected to pay any part of the cost of the 30438
improvement. 30439

(B) If special assessments are not to be levied and collected 30440
to pay any part of the cost of the improvement, the board, in the 30441
resolution provided for in division (A) of this section or in a 30442
subsequent resolution, including a resolution authorizing the 30443
issuance or incurrence of public obligations for the improvement, 30444
may authorize the improvement and the expenditure of the funds 30445
required for its acquisition or construction and may proceed with 30446
the improvement without regard to the procedures otherwise 30447

required by divisions (C), (D), and (E) of this section and by 30448
sections 6117.07 to 6117.24 of the Revised Code. Those procedures 30449
are required only for improvements for which special assessments 30450
are to be levied and collected. 30451

(C) If special assessments are to be levied and collected 30452
pursuant to a determination made in the resolution provided for in 30453
division (A) of this section or in a subsequent resolution, the 30454
procedures referred to in division (B) of this section as being 30455
required for that purpose shall apply, and the board may have the 30456
county sanitary engineer prepare, or otherwise cause to be 30457
prepared, detailed plans, specifications, and an estimate of cost 30458
for the improvement, together with a tentative assessment of the 30459
cost based on the estimate. The tentative assessment shall be for 30460
the information of property owners and shall not be levied or 30461
certified to the county auditor for collection. The detailed 30462
plans, specifications, estimate of cost, and tentative assessment, 30463
if approved by the board, shall be carefully preserved in the 30464
office of the board or the county sanitary engineer and shall be 30465
open to the inspection of all persons interested in the 30466
improvement. 30467

(D) After the board's approval of the detailed plans, 30468
specifications, estimate of cost, and tentative assessment, and at 30469
least twenty-four days before adopting a resolution pursuant to 30470
division (E) of this section, the board, except to the extent that 30471
appropriate waivers of notice are obtained from affected owners, 30472
shall cause to be sent a notice of its intent to adopt the 30473
resolution to each owner of property proposed to be assessed that 30474
is listed on the records of the county auditor for current 30475
agricultural use value taxation pursuant to section 5713.31 of the 30476
Revised Code and that is not located in an agricultural district 30477
established under section 929.02 of the Revised Code. The notice 30478
shall satisfy all of the following: 30479

(1) Be sent by first class or certified mail;	30480
(2) Specify the proposed date of the adoption of the resolution;	30481 30482
(3) Contain a statement that the improvement will be financed in whole or in part by special assessments and that all properties not located in an agricultural district established pursuant to section 929.02 of the Revised Code may be subject to a special assessment;	30483 30484 30485 30486 30487
(4) Contain a statement that an agricultural district may be established by filing an application with the county auditor.	30488 30489
If it appears, by the return of the mailed notices or by other means, that one or more of the affected owners cannot be found or are not served by the mailed notice, the board shall cause the notice to be published once in a newspaper of general circulation in the county not later than ten days before the adoption of the resolution.	30490 30491 30492 30493 30494 30495
(E) After complying with divisions (A), (C), and (D) of this section, the board may adopt a resolution declaring that the improvement, which shall be described as to its nature and its location, route, and termini, is necessary for the preservation and promotion of the public health and welfare, referring to the plans, specifications, estimate of cost, and tentative assessment, stating the place where they are on file and may be examined, and providing that the entire cost or a lesser designated part of the cost will be specially assessed against the benefited properties within the district and that any balance will be paid by the county at large from other available funds. The resolution also shall contain a description of the boundaries of that part of the district to be assessed and shall designate a time and place for objections to the improvement, to the tentative assessment, or to the boundaries of the assessment district to be heard by the	30496 30497 30498 30499 30500 30501 30502 30503 30504 30505 30506 30507 30508 30509 30510

board. The date of that hearing shall be not less than twenty-four 30511
days after the date of the first publication of the notice of the 30512
hearing required by this division. 30513

The board shall cause a notice of the hearing to be published 30514
once a week for two consecutive weeks in a newspaper of general 30515
circulation in the county, and on or before the date of the second 30516
publication, it shall cause to be sent by first class or certified 30517
mail a copy of the notice to every owner of property to be 30518
assessed for the improvement whose address is known. 30519

The notice shall set forth the time and place of the hearing, 30520
a summary description of the proposed improvement, including its 30521
general route and termini, a summary description of the area 30522
constituting the assessment district, and the place where the 30523
plans, specifications, estimate of cost, and tentative assessment 30524
are on file and may be examined. Each mailed notice also shall 30525
include a statement that the property of the addressee will be 30526
assessed for the improvement. The notice also shall be sent by 30527
first class or certified mail, on or before the date of the second 30528
publication, to the clerk, or to the official discharging the 30529
duties of a clerk, of any municipal corporation any part of which 30530
lies within the assessment district and shall state whether or not 30531
any property belonging to the municipal corporation is to be 30532
assessed and, if so, shall identify that property. 30533

At the hearing, or at any adjournment of the hearing, of 30534
which no further published or mailed notice need be given, the 30535
board shall hear all parties whose properties are proposed to be 30536
assessed. Written objections to or endorsements of the proposed 30537
improvement, its character and termini, the boundaries of the 30538
assessment district, or the tentative assessment shall be received 30539
by the board for a period of five days after the completion of the 30540
hearing, and no action shall be taken by the board in the matter 30541
until after that period has elapsed. The minutes of the hearing 30542

shall be entered on the journal of the board, showing the persons 30543
who appear in person or by attorney, and all written objections 30544
shall be preserved and filed in the office of the board. 30545

Sec. 6117.25. (A) The board of county commissioners may pay 30546
the whole or any part of the cost of constructing, maintaining, 30547
repairing, or operating any improvement provided for in this 30548
chapter, including the payment of a county sanitary engineer and 30549
~~his~~ the sanitary engineer's assistants and other necessary 30550
expenses. Insofar as such expenses relate to the construction of a 30551
permanent improvement, they may be considered as part of the cost 30552
of such improvement and bonds may be issued therefor. ~~Bonds~~ 30553

(B) Bonds and notes in anticipation thereof, including bonds 30554
issued in anticipation of the collection of assessments deferred 30555
pursuant to sections 6117.061 and 6117.33 of the Revised Code, may 30556
be issued by the board pursuant to Chapter 133. of the Revised 30557
Code, to finance any such improvement~~+~~, provided that where a 30558
separate issue of bonds is issued in anticipation of the 30559
collection of deferred assessments, the first principal maturity 30560
of such bonds may be not later than five years from the date of 30561
such bonds. Bonds issued in anticipation of the collection of 30562
assessments deferred pursuant to sections 6117.061 and 6117.33 of 30563
the Revised Code and notes issued in anticipation of such bonds 30564
shall be considered for all purposes under this chapter and 30565
Chapter 133. of the Revised Code as being bonds or notes issued in 30566
anticipation of the levy or collection of special assessments. 30567

(C) Bonds may be issued by the board under Chapter 165. of 30568
the Revised Code to finance such improvements payable solely from 30569
revenues generated by the improvements. 30570

Sec. 6117.251. (A) After the establishment of any county 30571
sewer district, the board of county commissioners may determine by 30572

resolution that it is necessary to provide sanitary or drainage 30573
facility improvements or prevention or replacement facility 30574
improvements and to maintain and operate the improvements within 30575
the district or a designated portion of the district, that the 30576
improvements, which shall be generally described in the 30577
resolution, shall be constructed, that funds are required to pay 30578
the preliminary costs of the improvements to be incurred prior to 30579
the commencement of the proceedings for their construction, and 30580
that those funds shall be provided in accordance with this 30581
section. 30582

(B) Prior to the adoption of the resolution, the board shall 30583
give notice of its pendency and of the proposed determination of 30584
the necessity of the improvements generally described in the 30585
resolution. The notice shall set forth a description of the 30586
properties to be benefited by the improvements and the time and 30587
place of a hearing of objections to and endorsements of the 30588
improvements. The notice shall be given either by publication in a 30589
newspaper of general circulation in the county once a week for two 30590
consecutive weeks, or by mailing a copy of the notice by first 30591
class or certified mail to the owners of the properties proposed 30592
to be assessed at their respective tax mailing addresses, or by 30593
both manners, the first publication to be made or the mailing to 30594
occur at least two weeks prior to the date set for the hearing. At 30595
the hearing, or at any adjournment of the hearing, of which no 30596
further published or mailed notice need be given, the board shall 30597
hear all persons whose properties are proposed to be assessed and 30598
the evidence it considers to be necessary. The board then shall 30599
determine the necessity of the proposed improvements and whether 30600
the improvements shall be made by the board and, if they are to be 30601
made, shall direct the preparation of tentative assessments upon 30602
the benefited properties and by whom they shall be prepared. 30603

(C) In order to obtain funds for the preparation of a general 30604

or revised general plan of sewerage or drainage for the district 30605
or part of the district, for the preparation of the detailed 30606
plans, specifications, estimate of cost, and tentative assessment 30607
for the proposed improvements, and for the cost of financing and 30608
legal services incident to the preparation of all of those plans 30609
and a plan of financing the proposed improvements, the board may 30610
levy upon the properties to be benefited in the district a 30611
preliminary assessment apportioned according to benefits or to tax 30612
valuation or partly by one method and partly by the other method 30613
as the board may determine. The assessments shall be in the amount 30614
determined to be necessary to obtain funds for the general and 30615
detailed plans and the cost of financing and legal services and 30616
shall be payable in the number of years that the board shall 30617
determine, not to exceed twenty years, together with interest on 30618
any public obligations that may be issued or incurred in 30619
anticipation of the collection of the assessments. 30620

(D) The board shall have power at any time to levy additional 30621
assessments according to benefits or to tax valuation or partly by 30622
one method and partly by the other method as the board may 30623
determine for the purposes described in division (C) of this 30624
section upon the benefited properties to complete the payment of 30625
the costs described in division (C) of this section or to pay the 30626
cost of any additional plans, specifications, estimate of cost, or 30627
tentative assessment and the cost of financing and legal services 30628
incident to the preparation of those plans and the plan of 30629
financing, which additional assessments shall be payable in the 30630
number of years that the board shall determine, not to exceed 30631
twenty years, together with interest on any public obligations 30632
that may be issued or incurred in anticipation of the collection 30633
of the additional assessments. 30634

(E) Prior to the adoption of a resolution levying assessments 30635
under this section, the board shall give notice either by one 30636

publication in a newspaper of general circulation in the county, 30637
or by mailing a copy of the notice by first class or certified 30638
mail to the owners of the properties proposed to be assessed at 30639
their respective tax mailing addresses, or by both manners, the 30640
publication to be made or the mailing to occur at least ten days 30641
prior to the date of the meeting at which the resolution shall be 30642
taken up for consideration; that notice shall state the time and 30643
place of the meeting at which the resolution is to be considered. 30644
At the time and place of the meeting, or at any adjournment of the 30645
meeting, of which no further published or mailed notice need be 30646
given, the board shall hear all persons whose properties are 30647
proposed to be assessed, shall correct any errors and make any 30648
revisions that appear to be necessary or just, and then may adopt 30649
a resolution levying upon the properties determined to be 30650
benefited the assessments as so corrected and revised. 30651

The assessments levied by the resolution shall be certified 30652
to the county auditor for collection in the same manner as taxes 30653
in the year or years in which they are payable. 30654

(F) Upon the adoption of the resolution described in division 30655
(E) of this section, no further action shall be taken or work done 30656
until ten days have elapsed. If, at the expiration of that period, 30657
no appeal has been effected by any property owner as provided in 30658
this division, the action of the board shall be final. If, at the 30659
end of that ten days, any owner of property to be assessed for the 30660
improvements has effected an appeal, no further action shall be 30661
taken and no work done in connection with the improvements under 30662
the resolution until the matters appealed from have been disposed 30663
of in court. 30664

Any owner of property to be assessed may appeal as provided 30665
and upon the grounds stated in sections 6117.09 to 6117.24 of the 30666
Revised Code. 30667

If no appeal has been perfected or if on appeal the 30668

resolution of the board is sustained, the board may authorize and 30669
enter into contracts to carry out the purposes for which the 30670
assessments have been levied without the prior issuance of notes, 30671
provided that the payments under those contracts do not fall due 30672
prior to the time by which the assessments are to be collected. 30673
The board may issue and sell bonds with a maximum maturity of 30674
twenty years in anticipation of the collection of the assessments 30675
and may issue notes in anticipation of the issuance of the bonds, 30676
which notes and bonds, as public obligations, shall be issued and 30677
sold as provided in Chapter 133. of the Revised Code. 30678

Sec. 6117.28. Whenever the owners of all the lots and lands 30679
to be assessed for any sanitary or drainage facility improvement 30680
or any prevention or replacement facility improvement provided for 30681
in this chapter, by petition in writing, request the board of 30682
county commissioners to provide for the acquisition or 30683
construction, maintenance, and operation of the improvement, 30684
describing the improvement and the lots and lands owned by them 30685
respectively to be assessed to pay the cost of acquisition or 30686
construction, maintenance, and operation of the improvement and 30687
consenting that their lots and lands may be assessed to pay the 30688
cost of the acquisition or construction of the improvement and of 30689
its maintenance and operation as provided in this chapter, and 30690
waive all legal notices otherwise required, the board may have the 30691
county sanitary engineer prepare, or otherwise cause to be 30692
prepared, the necessary plans, specifications, and estimate of 30693
cost of the acquisition or construction, maintenance, and 30694
operation of the improvement and a tentative assessment. When the 30695
owners state, in writing, that they have examined the estimate of 30696
cost and tentative assessment, that they have no objections to 30697
them, and that, in case bonds are proposed to be issued prior to 30698
the acquisition or construction of the improvement, they waive 30699
their right or option to pay the assessments in cash, the board 30700

may proceed as provided in this chapter to cause the improvement 30701
to be acquired or constructed and to cause provision to be made 30702
for the payment of the cost of its acquisition or construction, 30703
maintenance, and operation, except that none of the notices 30704
otherwise required by law need be given and no opportunity need be 30705
provided for the filing of objections to the improvement, its 30706
character and termini, the boundaries of the assessment district, 30707
or the tentative assessment or, if bonds are issued prior to the 30708
acquisition or construction of the improvement, for paying the 30709
assessments in cash. The board may proceed to issue or incur 30710
public obligations in the required amount, complete the 30711
acquisition or construction of the improvement, and levy and 30712
collect the assessments authorized by this chapter. No person or 30713
public agency shall have the right to appeal from any decision or 30714
action of the board in the matter except refusal by the board to 30715
proceed with the improvement. 30716

The tentative assessment provided for in this section shall 30717
be for the information of property owners and shall not be levied 30718
or certified to the county auditor for collection. On completion 30719
of the improvement, its cost shall be determined, and the county 30720
sanitary engineer shall prepare, or otherwise cause to be 30721
prepared, a revised assessment based on the actual cost and in 30722
substantially the same proportion as the tentative assessment. The 30723
board shall confirm and levy the revised assessment and certify it 30724
to the county auditor for collection. 30725

Sec. 6117.30. The cost of the acquisition or construction of 30726
sanitary or drainage facilities or prevention or replacement 30727
facilities to be paid by assessments shall be assessed, as an 30728
assessment district assessment, upon all the property within the 30729
county sewer district found to be benefited in accordance with the 30730
special benefits conferred, less any part of the cost that is paid 30731
by the county at large from other available funds. State land so 30732

benefited shall bear its portion of the assessed cost. 30733

Sec. 6117.34. Whenever the legislative authority or board of 30734
health, or the officers performing the duties of the legislative 30735
authority or board of health, of a municipal corporation, the 30736
board of health of a general health district, or a board of 30737
township trustees makes complaint, in writing, to the 30738
environmental protection agency that unsanitary conditions exist 30739
in any county, the agency's director forthwith shall inquire into 30740
and investigate the conditions complained of. If, upon 30741
investigation of the complaint, the director finds that it is 30742
necessary for the public health and welfare that sanitary or 30743
drainage facilities or prevention or replacement facilities be 30744
acquired or constructed, maintained, and operated to serve any 30745
territory outside municipal corporations in any county, the 30746
director shall notify the board of county commissioners of the 30747
county of that finding and order that corrective action be taken. 30748
The board shall obey the order and proceed as provided in this 30749
chapter to establish a county sewer district, if required, to 30750
provide the necessary funds, to acquire or construct the 30751
facilities, and to maintain and operate the facilities, as 30752
required by the order and in a manner that is satisfactory to the 30753
director. Any part or all of the cost of the facilities or of the 30754
maintenance and operation of the facilities may be assessed upon 30755
the benefited properties as provided in this chapter. 30756

Sec. 6117.38. (A) At any time after the formation of any 30757
county sewer district, the board of county commissioners, when it 30758
considers it appropriate, on application by a person or public 30759
agency for the provision of sewerage or drainage to properties of 30760
the person or public agency located outside of the district, may 30761
contract with the person or public agency for depositing sewage or 30762
drainage from those properties in facilities acquired or 30763

constructed or to be acquired or constructed by the county to 30764
serve the district and for the treatment, disposal, and 30765
disposition of the sewage or drainage, on terms that the board 30766
considers equitable. The amount to be paid by the person or public 30767
agency to reimburse the county for costs of acquiring or 30768
constructing those facilities shall not be less than the original 30769
or comparable assessment for similar property within the district 30770
or, in the absence of an original or comparable assessment, an 30771
amount that is found by the board to be reasonable and fairly 30772
reflective of that portion of the cost of those facilities 30773
attributable to the properties to be served. The board shall 30774
appropriate any moneys received for that service to and for the 30775
use and benefit of the district. The board may collect the amount 30776
to be paid by the person or public agency in full, in cash or in 30777
installments as a part of a connection charge to be collected in 30778
accordance with division (B) or (D) of section 6117.02 of the 30779
Revised Code, or if the properties to be served are located within 30780
the county, the same amount may be assessed against those 30781
properties, and, in that event, the manner of making the 30782
assessment, together with the notice of it, shall be as provided 30783
in this chapter. 30784

(B) Whenever sanitary or drainage facilities or prevention or 30785
replacement facilities have been acquired or constructed by, and 30786
at the expense of, a person or public agency and the board 30787
considers it appropriate to acquire the facilities or any part of 30788
them for the purpose of providing sewerage or drainage service to 30789
territory within a sewer district, the county sanitary engineer, 30790
at the direction of the board, shall examine the facilities. If 30791
the county sanitary engineer finds the facilities properly 30792
designed and constructed, the county sanitary engineer shall 30793
certify that fact to the board. The board may determine to 30794
purchase the facilities or any part of them at a cost that, after 30795
consultation with the county sanitary engineer, it finds to be 30796

reasonable. 30797

Subject to and in accordance with this division and division 30798
(B) or divisions (C), (D), and (E) of section 6117.06 of the 30799
Revised Code, the board may purchase the facilities or any part of 30800
them by negotiation. For the purpose of paying the cost of their 30801
acquisition, the board may issue or incur public obligations and 30802
assess the entire cost, or a lesser designated part of the cost, 30803
of their acquisition against the benefited properties in the 30804
manner provided in this chapter for the construction of original 30805
or comparable facilities. 30806

Sec. 6117.41. At any time after the formation of any county 30807
sewer district, the board of county commissioners may enter into a 30808
contract, upon the terms and for the period of time that are 30809
mutually agreed upon, with any other public agency to prepare all 30810
necessary plans and estimates of cost and to acquire or construct 30811
any sanitary or drainage facilities or any prevention or 30812
replacement facilities that are to be used jointly by the 30813
contracting parties, and to provide for the maintenance, 30814
operation, and joint use by the contracting parties of those 30815
facilities or the maintenance, operation, and joint use of any 30816
suitable existing sanitary or drainage facilities or prevention or 30817
replacement facilities belonging to either of the contracting 30818
parties. 30819

Sec. 6117.42. All contracts under section 6117.41 of the 30820
Revised Code shall provide for the payment of compensation to the 30821
county or other public agency owning, acquiring, or constructing, 30822
or agreeing to acquire or construct, the sanitary or drainage 30823
facilities or prevention or replacement facilities to be jointly 30824
used in an amount agreed upon as the other party's share of the 30825
cost of acquiring or constructing the facilities. The contract 30826
also shall provide for payment of compensation to the county or 30827

other public agency owning, acquiring, or constructing the 30828
facilities and operating and maintaining them in an amount agreed 30829
upon as the other party's share of the cost of operating and 30830
maintaining them or, in lieu of all other or differing payments, 30831
and agreed price per unit of flow. A county or other public agency 30832
owning, acquiring, or constructing, or agreeing to acquire or 30833
construct, any of the facilities and agreeing to their use by 30834
another public agency shall retain full control and management of 30835
the acquisition, construction, maintenance, and operation of the 30836
facilities, unless otherwise provided in the contract and except, 30837
in the case of a county, when conveyed to a municipal corporation 30838
as provided in division (B) of section 6117.05 of the Revised 30839
Code. 30840

Sec. 6117.43. A county or other public agency contracting as 30841
provided in sections 6117.41 and 6117.42 of the Revised Code for 30842
the joint use of any sanitary or drainage facilities or any 30843
prevention or replacement facilities acquired or constructed, or 30844
to be acquired or constructed, by another public agency may 30845
provide for payment of the agreed compensation by the levy of 30846
taxes or special assessments or from sanitary sewer or drainage 30847
rates and charges, if and to the extent that the public agency is 30848
authorized by the laws governing it in the acquisition, 30849
construction, maintenance, or operation of the facilities to 30850
provide for payment of the costs in respect of which the 30851
compensation is due from those sources, and may issue or incur 30852
public obligations as provided by those laws and pay the debt 30853
charges on those obligations from those sources if and to the 30854
extent so authorized. 30855

Sec. 6117.44. A county or other public agency receiving the 30856
compensation provided for in section 6117.42 of the Revised Code 30857
shall credit the amount so received to the proper fund to be used 30858

for the acquisition, construction, or operation and maintenance, 30859
as the case may be, of the sanitary or drainage facilities or the 30860
prevention or replacement facilities or for other authorized 30861
purposes. 30862

Sec. 6117.45. No person or public agency shall tamper with or 30863
damage any sanitary or drainage facility or any prevention or 30864
replacement facility acquired or constructed by a county under 30865
this chapter or any apparatus or accessory connected with it or 30866
pertaining to it, or make any connection into or with the 30867
facility, without the permission of the board of county 30868
commissioners or in a manner or for a use other than as prescribed 30869
by the board. No person or public agency shall refuse to permit 30870
the inspection by the county sanitary engineer of any such 30871
connection. No person or public agency shall violate any other 30872
provision of this chapter. 30873

All fines collected under section 6117.99 of the Revised Code 30874
shall be paid to the county treasurer and credited to the fund 30875
that the board determines to be most appropriate after 30876
consideration of the nature and extent of the particular 30877
violations. 30878

Sec. 6117.49. (A) If the board of county commissioners 30879
determines by resolution that the best interests of the county and 30880
those served by the sanitary or drainage facilities or the 30881
prevention or replacement facilities of a county sewer district so 30882
require, the board may sell or otherwise dispose of the facilities 30883
to another public agency or a person. The resolution declaring the 30884
necessity of that disposition shall recite the reasons for the 30885
sale or other disposition and shall establish any conditions or 30886
terms that the board may impose, including, but not limited to, a 30887
minimum sales price if a sale is proposed, a requirement for the 30888
submission by bidders of the schedule of rates and charges 30889

initially proposed to be paid for the services of the facilities, 30890
and other pertinent conditions or terms relating to the sale or 30891
other disposition. The resolution also shall designate a time and 30892
place for the hearing of objections to the sale or other 30893
disposition by the board. Notice of the adoption of the resolution 30894
and the time and place of the hearing shall be published once a 30895
week for two consecutive weeks in a newspaper of general 30896
circulation in the sewer district and in the county. The public 30897
hearing on the sale or other disposition shall be held not less 30898
than twenty-four days following the date of first publication of 30899
the notice. A copy of the notice also shall be sent by first class 30900
or certified mail, on or before the date of the second 30901
publication, to any public agency within the area served by the 30902
facilities. At the public hearing, or at any adjournment of it, of 30903
which no further published or mailed notice need be given, the 30904
board shall hear all interested parties. A period of five days 30905
shall be given following the completion of the hearing for the 30906
filing of written objections by any interested persons or public 30907
agencies to the sale or other disposition, after which the board 30908
shall consider any objections and by resolution determine whether 30909
or not to proceed with the sale or other disposition. If the board 30910
determines to proceed with the sale or other disposition, it shall 30911
receive bids after advertising once a week for four consecutive 30912
weeks in a newspaper of general circulation in the county and, 30913
subject to the right of the board to reject any or all bids, may 30914
make an award to a responsible bidder whose proposal is determined 30915
by the board to be in the best interests of the county and those 30916
served by the facilities. 30917

(B) A conveyance of sanitary or drainage facilities or of 30918
prevention or replacement facilities by a county to a municipal 30919
corporation in accordance with division (B) of section 6117.05 of 30920
the Revised Code may be made without regard to division (A) of 30921
this section. 30922

Sec. 6121.045. With respect to a loan made under this 30923
chapter, the Ohio water development authority shall not charge any 30924
fees or fines in excess of the principal amount of the loan. 30925

Sec. 6123.042. With respect to a loan made under this 30926
chapter, the Ohio water development authority shall not charge any 30927
fees or fines in excess of the principal amount of the loan. 30928

Section 101.02. That existing sections 9.231, 9.24, 9.835, 30929
105.41, 113.061, 113.40, 117.13, 117.38, 120.08, 121.31, 122.171, 30930
125.02, 125.021, 125.022, 125.04, 125.041, 125.05, 125.06, 125.07, 30931
125.18, 125.25, 127.16, 133.08, 135.61, 135.63, 135.65, 135.66, 30932
145.47, 149.30, 156.02, 165.01, 165.03, 303.12, 303.211, 306.43, 30933
307.697, 317.32, 319.301, 321.261, 340.02, 340.021, 351.26, 30934
519.12, 519.211, 715.73, 715.74, 901.42, 1332.04, 1346.03, 30935
1561.011, 1561.16, 1561.17, 1561.23, 1561.25, 1561.26, 1565.15, 30936
1751.01, 1751.04, 1751.05, 1751.11, 1751.111, 1751.12, 1751.13, 30937
1751.15, 1751.16, 1751.17, 1751.18, 1751.20, 1751.31, 1751.34, 30938
1751.53, 1751.60, 1751.89, 2743.49, 2744.05, 2903.12, 2903.213, 30939
2903.214, 2915.101, 2919.26, 2921.13, 2923.11, 2949.092, 3111.04, 30940
3113.06, 3113.31, 3119.023, 3119.54, 3301.0714, 3311.21, 3311.24, 30941
3313.842, 3313.978, 3314.016, 3314.02, 3314.03, 3314.05, 3316.03, 30942
3316.041, 3316.06, 3316.08, 3317.023, 3317.11, 3317.20, 3318.01, 30943
3318.03, 3318.032, 3318.04, 3319.291, 3323.30, 3323.31, 3323.32, 30944
3323.33, 3333.04, 3333.044, 3333.045, 3333.122, 3335.05, 3341.03, 30945
3343.08, 3344.02, 3345.34, 3350.10, 3352.02, 3353.02, 3353.20, 30946
3353.21, 3353.22, 3353.26, 3353.27, 3353.28, 3353.29, 3354.16, 30947
3355.12, 3356.02, 3357.16, 3359.02, 3361.02, 3364.02, 3501.17, 30948
3702.71, 3702.72, 3702.73, 3702.74, 3702.75, 3702.78, 3702.79, 30949
3702.81, 3702.85, 3702.86, 3702.91, 3702.93, 3702.95, 3703.01, 30950
3734.821, 3735.67, 3743.02, 3743.04, 3743.15, 3743.17, 3743.19, 30951
3743.25, 3743.40, 3743.44, 3743.45, 3743.54, 3743.56, 3743.65, 30952

3743.70, 3743.99, 3901.3814, 3905.40, 3923.281, 3923.443, 3961.04, 30953
4112.12, 4117.14, 4117.15, 4123.26, 4123.32, 4123.37, 4123.54, 30954
4131.03, 4301.355, 4301.421, 4301.424, 4301.62, 4303.182, 4510.10, 30955
4511.01, 4511.101, 4511.181, 4511.191, 4731.65, 4731.71, 4735.01, 30956
4735.02, 4735.10, 4735.13, 4735.14, 4735.141, 4752.04, 4752.05, 30957
4752.06, 4752.07, 4752.11, 4752.12, 4752.13, 4906.13, 4906.98, 30958
4928.142, 4928.20, 4981.14, 5101.26, 5101.5211, 5101.5212, 30959
5101.5213, 5101.5214, 5101.5215, 5101.571, 5101.572, 5101.58, 30960
5101.80, 5111.032, 5111.084, 5111.091, 5111.31, 5111.94, 5111.941, 30961
5112.31, 5112.37, 5123.0412, 5123.196, 5123.36, 5513.01, 5525.01, 30962
5703.19, 5703.21, 5703.57, 5705.194, 5705.214, 5705.29, 5709.121, 30963
5721.30, 5721.31, 5721.32, 5721.33, 5721.34, 5721.35, 5721.36, 30964
5721.37, 5721.38, 5721.39, 5721.40, 5721.41, 5721.42, 5721.43, 30965
5727.84, 5727.85, 5739.01, 5739.02, 5739.029, 5739.09, 5739.12, 30966
5739.122, 5739.124, 5739.21, 5741.04, 5741.12, 5741.121, 5741.122, 30967
5743.021, 5743.024, 5743.321, 5743.323, 5745.05, 5747.01, 5747.02, 30968
5748.022, 5751.20, 5751.21, 6101.53, 6101.55, 6117.01, 6117.011, 30969
6117.012, 6117.04, 6117.05, 6117.06, 6117.25, 6117.251, 6117.28, 30970
6117.30, 6117.34, 6117.38, 6117.41, 6117.42, 6117.43, 6117.44, 30971
6117.45, and 6117.49 of the Revised Code are hereby repealed. 30972
30973
30974

Section 105.01. That sections 124.821, 3314.086, 3317.161, 30975
3353.23, 3353.24, 3353.25, 3353.30, 5111.88, 5111.881, 5111.882, 30976
5111.883, 5111.884, 5111.885, 5111.886, 5111.887, 5111.888, 30977
5111.889, 5111.8810, 5111.8811, 5111.8812, 5111.8813, 5111.8814, 30978
5111.8815, 5111.8816, 5111.8817, 5112.311, and 5739.213 of the 30979
Revised Code are hereby repealed. 30980

Section 201.10. The items set forth in this section are 30981
hereby appropriated out of any moneys in the state treasury to the 30982

credit of the Nursing Home - Federal Fund (Fund 3190) that are not 30983
 otherwise appropriated. 30984

Appropriations

OVH OHIO VETERANS' HOME AGENCY 30985

C43019	G-Life Safety & Security	\$	310,700	30986
C43020	G-Critical Power & Grounds	\$	510,250	30987
C43021	S-S/G Tub Room & Nurse Call	\$	1,856,712	30988
C43022	S-G Renovate Giffin First Floor	\$	418,015	30989
C43023	S-S/G Floor Replacement	\$	579,270	30990
C43024	S-S. VH HVAC Upgrade	\$	1,362,936	30991
C43025	S-Network Infrastructure	\$	488,807	30992
C43026	G-HVAC Controls Upgrade	\$	357,500	30993
Total Ohio Veterans' Home Agency		\$	5,884,190	30994
TOTAL Nursing Home - Federal Fund		\$	5,884,190	30995

Section 203.10. The items set forth in this section are 30997
 hereby appropriated out of any moneys in the state treasury to the 30998
 credit of the Army National Guard Service Contract Fund (Fund 30999
 3420) that are not otherwise appropriated. 31000

Appropriations

ADJ ADJUTANT GENERAL 31001

C74519	Energy Conservation - Federal Share	\$	107,792	31002
Total Adjutant General		\$	107,792	31003
TOTAL Army National Guard Service Contract Fund		\$	107,792	31004

Section 205.10. The items set forth in this section are 31006
 hereby appropriated out of any moneys in the state treasury to the 31007
 credit of the Special Administrative Fund (Fund 4A90) that are not 31008
 otherwise appropriated. 31009

Appropriations

JFS DEPARTMENT OF JOB AND FAMILY SERVICES 31010

C60000	Various Renovations - Local Offices	\$	537,869	31011
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C60001	145 South Front Renovation	\$	6,500,000	31012
	Total Department of Job and Family Services	\$	7,037,869	31013
	TOTAL Special Administrative Fund	\$	7,037,869	31014

Section 207.10. The items set forth in this section are 31016
hereby appropriated out of any moneys in the state treasury to the 31017
credit of the State Fire Marshal Fund (Fund 5460) that are not 31018
otherwise appropriated. 31019

Appropriations

	COM DEPARTMENT OF COMMERCE			31020
C80002	MARCS Radios	\$	50,000	31021
C80010	Security Enhancements	\$	200,000	31022
C80011	Gas Line Replacement	\$	80,000	31023
C80012	Roof Replacement Main & Training	\$	800,000	31024
C80013	ADAMS Data Imaging System	\$	35,000	31025
C80014	Mobile Fire Behavior Lab	\$	75,000	31026
C80015	Gas Chromatograph/Mass Spec	\$	90,000	31027
C80016	Search & Rescue Training Module	\$	70,000	31028
C80017	Fiber-optic Installation with AGR	\$	200,000	31029
	Total Department of Commerce	\$	1,600,000	31030
	TOTAL State Fire Marshal Fund	\$	1,600,000	31031

Section 209.10. The items set forth in this section are 31033
hereby appropriated out of any moneys in the state treasury to the 31034
credit of the Veterans' Home Improvement Fund (Fund 6040) that are 31035
not otherwise appropriated. 31036

Appropriations

	OVH OHIO VETERANS' HOME AGENCY			31037
C43027	G-Life Safety & Security	\$	167,300	31038
C43028	G-Critical Power & Grounds	\$	274,750	31039
C43029	S-S/G Tub Room & Nurse Call	\$	999,768	31040
C43030	S-G Renovate Giffin First Floor	\$	225,085	31041
C43031	S-S/G Floor Replacement	\$	311,915	31042

C43032	S-S. VH HVAC Upgrade	\$	733,889	31043
C43033	S-Network Infrastructure	\$	263,204	31044
C43034	G-HVAC Controls Upgrade	\$	192,500	31045
C43035	S-Replace Wanderguard System	\$	261,000	31046
Total Ohio Veterans' Home Agency		\$	3,429,411	31047
TOTAL Veterans' Home Improvement Fund		\$	3,429,411	31048

Section 211.10. The items set forth in this section are 31050
hereby appropriated out of any moneys in the state treasury to the 31051
credit of the Highway Safety Fund (Fund 7036) that are not 31052
otherwise appropriated. 31053

Appropriations

DPS DEPARTMENT OF PUBLIC SAFETY

31054

C76021	Academy Maintenance and Repair	\$	1,696,345	31055
Total Department of Public Safety		\$	1,696,345	31056
TOTAL Highway Safety Fund		\$	1,696,345	31057

Section 213.10. The items set forth in this section are 31059
hereby appropriated out of any moneys in the state treasury to the 31060
credit of the State Capital Improvements Revolving Loan Fund (Fund 31061
7040). Revenues to the State Capital Improvements Revolving Loan 31062
Fund shall consist of all repayments of loans made to local 31063
subdivisions for capital improvements, investment earnings on 31064
moneys in the fund, and moneys obtained from federal or private 31065
grants or from other sources for the purpose of making loans for 31066
the purpose of financing or assisting in the financing of the cost 31067
of capital improvement projects of local subdivisions. 31068

Appropriations

PWC PUBLIC WORKS COMMISSION

31069

C15030	Revolving Loan	\$	39,500,000	31070
Total Public Works Commission		\$	39,500,000	31071
TOTAL State Capital Improvements Revolving Loan		\$	39,500,000	31072
Fund				

The foregoing appropriation item C15030, Revolving Loan, 31073
shall be used in accordance with sections 164.01 to 164.12 of the 31074
Revised Code. 31075

If the Public Works Commission receives refunds due to 31076
project overpayments that are discovered during a post-project 31077
audit, the Director of the Public Works Commission may certify to 31078
the Director of Budget and Management that refunds have been 31079
received. In certifying the refunds, the Director of the Public 31080
Works Commission shall provide the Director of Budget and 31081
Management information on the project refunds. The certification 31082
shall detail by project the source and amount of project 31083
overpayments received and include any supporting documentation 31084
required or requested by the Director of Budget and Management. 31085
Upon receipt of the certification, the Director of Budget and 31086
Management shall determine if the project refunds are necessary to 31087
support existing appropriations. If the project refunds are 31088
available to support additional appropriations, these amounts are 31089
hereby appropriated to appropriation item C15030, Revolving Loan. 31090

Section 215.10. The items set forth in this section are 31091
hereby appropriated out of any moneys in the state treasury to the 31092
credit of the Waterways Safety Fund (Fund 7086) that are not 31093
otherwise appropriated. 31094

			Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES				31095
C725A7	Cooperative Grant Funding for Boating	\$ 9,300,000		31096
	Facilities			
C725N9	Operations Facilities Development -	\$ 2,350,000		31097
	Sandusky Watercraft Office Construction			
Total Department of Natural Resources		\$ 11,650,000		31098
TOTAL Waterways Safety Fund		\$ 11,650,000		31099

Section 217.10. The items set forth in this section are 31101

hereby appropriated out of any moneys in the state treasury to the 31102
credit of the Clean Ohio Revitalization Fund (Fund 7003) that are 31103
not otherwise appropriated: 31104

Appropriations

	DEV DEPARTMENT OF DEVELOPMENT		31105
C19500	Clean Ohio Revitalization	\$ 32,000,000	31106
C19501	Clean Ohio Assistance	\$ 8,000,000	31107
	Total Department of Development	\$ 40,000,000	31108
	TOTAL Clean Ohio Assistance Fund	\$ 40,000,000	31109

Section 217.11. CLEAN OHIO REVITALIZATION 31111

The Treasurer of State is hereby authorized to issue and 31112
sell, in accordance with Section 2o of Article VIII, Ohio 31113
Constitution, and pursuant to sections 151.01 and 151.40 of the 31114
Revised Code, original obligations in an aggregate principal 31115
amount not to exceed \$40,000,000 in addition to the original 31116
issuance of obligations heretofore authorized by prior acts of the 31117
General Assembly. These authorized obligations shall be issued and 31118
sold from time to time, subject to applicable constitutional and 31119
statutory limitations, as needed to ensure sufficient moneys to 31120
the credit of the Clean Ohio Revitalization Fund (Fund 7003) to 31121
pay costs of revitalization projects. 31122

Section 219.10. The items set forth in this section are 31123
hereby appropriated out of any moneys in the state treasury to the 31124
credit of the Job Ready Site Development Fund (Fund 7012) that are 31125
not otherwise appropriated: 31126

Appropriations

	DEV DEPARTMENT OF DEVELOPMENT		31127
C19502	Job Ready Sites	\$ 30,000,000	31128
	Total Department of Development	\$ 30,000,000	31129
	TOTAL Job Ready Site Development Fund	\$ 30,000,000	31130

Section 219.11. JOB READY SITE DEVELOPMENT 31132

The Ohio Public Facilities Commission, upon request of the 31133
 Department of Development, is hereby authorized to issue and sell, 31134
 in accordance with Section 2p of Article VIII, Ohio Constitution, 31135
 and pursuant to sections 151.01 and 151.11 of the Revised Code, 31136
 original obligations of the State of Ohio in an aggregate amount 31137
 not to exceed \$30,000,000 in addition to the original issuance of 31138
 obligations heretofore authorized by prior acts of the General 31139
 Assembly. These authorized obligations shall be issued and sold 31140
 from time to time, subject to applicable constitutional and 31141
 statutory limitations, as needed to ensure sufficient moneys to 31142
 the credit of the Job Ready Site Development Fund (Fund 7012) to 31143
 pay costs of sites and facilities. 31144

Section 221.10. The items set forth in the sections of this 31145
 act prefixed with the section number "221" are hereby appropriated 31146
 out of any moneys in the state treasury to the credit of the 31147
 Administrative Building Fund (Fund 7026) that are not otherwise 31148
 appropriated. 31149

Appropriations

Section 221.10.10. ADJ ADJUTANT GENERAL 31150

C74502	Roof Replacement - Various Facilities	\$	583,874	31151
C74503	Electrical Systems - Various Facilities	\$	348,079	31152
C74504	Camp Perry Facility/Infrastructure	\$	500,000	31153
	Improvements			
C74505	Replace Windows and Doors - Various	\$	341,342	31154
	Facilities			
C74506	Plumbing Renovations - Various	\$	523,241	31155
	Facilities			
C74507	Paving Renovations - Various Facilities	\$	527,733	31156
C74508	HVAC Systems - Various Facilities	\$	1,387,939	31157

C74510	Masonry Renovations - Various Facilities	\$	180,000	31158
C74526	Energy Conservation - Various Facilities	\$	107,792	31159
C74527	Mansfield Lahm Air National Guard Facility	\$	200,000	31160
C74528	Camp Perry Improvements	\$	1,000,000	31161
C74531	Rickenbacker Radar Project	\$	1,125,000	31162
Total Adjutant General		\$	6,825,000	31163

Appropriations

Section 221.10.20. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 31165

C10010	Surface Road Building Renovations	\$	400,000	31166
C10013	Energy Conservation Projects	\$	2,100,000	31167
C10015	SOCC Renovations	\$	5,000,000	31168
C10020	North High Street Complex Renovations	\$	12,500,000	31169
C10030	Broadband Ohio	\$	5,000,000	31170
C10031	Operations Facilities Improvements	\$	2,800,000	31171
C10032	Columbus Downtown Development - Sky Bridge Project	\$	2,500,000	31172
Total Department of Administrative Services		\$	30,300,000	31173

Appropriations

Section 221.10.30. AGR DEPARTMENT OF AGRICULTURE 31175

C70007	Building and Grounds Renovation	\$	650,000	31176
C70014	Grounds Security and Emergency Power	\$	200,000	31177
C70015	Fiber Installation for Infrastructure ODA/SFM	\$	200,000	31178
C70016	ODA/SFM Shared Driveway/Entrance	\$	50,000	31179
C70017	Raze Building #2	\$	265,000	31180
Total Department of Agriculture		\$	1,365,000	31181

Appropriations

Section 221.10.40. CSR CAPITOL SQUARE REVIEW AND ADVISORY 31183

BOARD			31184
C87406	Grounds Improvement	\$ 221,000	31185
C87407	Sound and Lighting Systems	\$ 145,000	31186
C87408	HVAC Improvement	\$ 628,381	31187
C87412	Security and Safety Upgrades	\$ 337,000	31188
C87413	Education Center	\$ 540,367	31189
C87414	CSRAB Warehouse	\$ 450,000	31190
C87415	Interior Repairs and Replacements	\$ 186,000	31191
Total Capitol Square Review and Advisory Board		\$ 2,507,748	31192

Appropriations

Section 221.10.50. EXP EXPOSITIONS COMMISSION			31194
C72300	Electric Upgrade	\$ 2,100,000	31195
C72303	Building Renovations and Repairs	\$ 11,900,000	31196
C72312	Emergency Renovations and Equipment Replacement	\$ 1,000,000	31197
C72315	North Parking Lot Improvements and Paving	\$ 5,000,000	31198
Total Expositions Commission		\$ 20,000,000	31199

Appropriations

Section 221.10.60. LIB STATE LIBRARY BOARD			31201
C35001	OPLIN Router Replacement Project	\$ 200,000	31202
Total State Library Board		\$ 200,000	31203

Appropriations

Section 221.10.70. DNR DEPARTMENT OF NATURAL RESOURCES			31205
C725D5	Fountain Square Building and Telephone System Improvements	\$ 1,000,000	31206
C725D7	MARCS	\$ 425,000	31207
C725E0	DNR Fairgrounds Area - General Upgrading - Fairgrounds Site Improvements	\$ 500,000	31208
C725N7	Operations Facilities Development	\$ 300,000	31209

Total Department of Natural Resources \$ 2,225,000 31210

Appropriations

Section 221.10.80. DPS DEPARTMENT OF PUBLIC SAFETY 31212

C76017 Replacement Mission Critical Building \$ 725,250 31213
 System

C76022 American Red Cross Facility - Cincinnati \$ 1,000,000 31214

C76023 Red Cross Muskingum Lakes Chapter \$ 500,000 31215

C76024 American Red Cross Facility - Tuscarawas \$ 250,000 31216

C76025 Family Services of Cincinnati \$ 50,000 31217

C76026 Tallmadge Shooting Range \$ 500,000 31218

C76027 Southeast Ohio Emergency Responder \$ 25,000 31219
 Facility

Total Department of Public Safety \$ 3,050,250 31220

Appropriations

Section 221.10.90. OSB SCHOOL FOR THE BLIND 31222

C22618 Front Entry Renovations \$ 112,500 31223

C22619 Public Address System Replacement \$ 77,000 31224

C22620 School HVAC Renovation \$ 215,000 31225

C22621 Renovations to Cottage C1 \$ 125,000 31226

C22622 Track Shelter \$ 45,000 31227

Total School for the Blind \$ 574,500 31228

Appropriations

Section 221.20.10. OSD SCHOOL FOR THE DEAF 31230

C22108 High School Window Replacement \$ 123,000 31231

C22109 High School HVAC \$ 117,500 31232

C22110 Gymnasium Floor & Lighting \$ 237,000 31233

C22111 Staff Building Windows and Repairs \$ 97,000 31234

C22112 Alumni Park Preservation \$ 62,500 31235

Total School for the Deaf \$ 637,000 31236

Appropriations

Section 221.20.20.	DOT DEPARTMENT OF TRANSPORTATION			31237
C77701	Chillicothe Transit Facility - District	\$	550,000	31238
	9			
	Total Department of Transportation	\$	550,000	31239
	TOTAL Administrative Building Fund	\$	68,234,498	31240

Section 221.20.30. The Ohio Building Authority is hereby 31242
authorized to issue and sell, in accordance with Section 2i of 31243
Article VIII, Ohio Constitution, and Chapter 152. and other 31244
applicable sections of the Revised Code, original obligations in 31245
an aggregate principal amount not to exceed \$48,000,000 in 31246
addition to the original issuance of obligations heretofore 31247
authorized by prior acts of the General Assembly. These authorized 31248
obligations shall be issued, subject to applicable constitutional 31249
and statutory limitations, to pay costs associated with previously 31250
authorized capital facilities and the capital facilities referred 31251
to in Sections 221.10.10 to 221.20.10 of this act. 31252

Section 222.10. DEBT SERVICE PAYMENTS TO THE OHIO BUILDING 31253
AUTHORITY 31254

The Ohio Building Authority shall bill the Capitol Square 31255
Review and Advisory Board, either annually or semiannually, an 31256
amount equal to the debt service charges relating to \$450,000 in 31257
additional appropriation authority for the purchase and 31258
improvement of a warehouse in which to store items of the Capitol 31259
Collection Trust and, whenever necessary, equipment or other 31260
property of the Board. The total amount billed each fiscal year 31261
shall not exceed \$50,000. The Capitol Square Review and Advisory 31262
Board shall pay such billed amounts from state underground parking 31263
garage fees, receipts, and revenues. 31264

Section 223.10. The items set forth in this section are 31265
hereby appropriated out of any moneys in the state treasury to the 31266

credit of the Adult Correctional Building Fund (Fund 7027) that 31267
are not otherwise appropriated. 31268

Appropriations

	DRC DEPARTMENT OF REHABILITATION AND CORRECTION		31269
	STATEWIDE AND CENTRAL OFFICE PROJECTS		31270
C50101	Community Based Correctional Facilities	\$ 1,600,000	31271
C50103	Asbestos Abatement - SW	\$ 1,000,000	31272
C50104	Power House/Utility Improvements - SW	\$ 1,400,000	31273
C50105	Water System/Plant Improvements - SW	\$ 6,000,000	31274
C50110	Security Improvements - SW	\$ 10,434,897	31275
C50136	General Building Renovations - SW	\$ 42,665,103	31276
C50175	Mandown Alert Communication - SW	\$ 4,800,000	31277
C501B3	Electrical System Upgrade - SW	\$ 4,100,000	31278
	Total Statewide and Central Office Projects	\$ 72,000,000	31279
	TOTAL Department of Rehabilitation and Correction	\$ 72,000,000	31280
	TOTAL Adult Correctional Building Fund	\$ 72,000,000	31281

Section 223.11. The Ohio Building Authority is hereby 31283
authorized to issue and sell, in accordance with Section 2i of 31284
Article VIII, Ohio Constitution, and Chapter 152. and section 31285
307.021 of the Revised Code, original obligations in an aggregate 31286
principal amount not to exceed \$62,000,000 in addition to the 31287
original issuance of obligations heretofore authorized by prior 31288
acts of the General Assembly. These authorized obligations shall 31289
be issued, subject to applicable constitutional and statutory 31290
limitations, to pay costs associated with previously authorized 31291
capital facilities and the capital facilities referred to in 31292
Section 223.10 of this act for the Department of Rehabilitation 31293
and Correction. 31294

Section 225.10. The items set forth in this section are 31295
hereby appropriated out of any moneys in the state treasury to the 31296

credit of the Juvenile Correctional Building Fund (Fund 7028) that 31297
 are not otherwise appropriated. 31298

			Appropriations	
DYS DEPARTMENT OF YOUTH SERVICES				31299
C47001	Fire Suppression, Safety and Security	\$ 4,036,125		31300
C47002	General Institutional Renovations	\$ 4,424,725		31301
C47003	CCF Renovations/Maintenance	\$ 2,000,000		31302
C47007	Juvenile Detention Centers	\$ 4,980,000		31303
C47016	Shower Renovation - SJCF	\$ 1,642,000		31304
C47017	Roof Replacement - SJCF	\$ 1,508,650		31305
C47018	Educational Annex - CHJCF	\$ 1,408,500		31306
C47019	Lawrence County Youth Facility	\$ 500,000		31307
	Relocation			
Total Department of Youth Services			\$ 20,500,000	31308
TOTAL Juvenile Correctional Building Fund			\$ 20,500,000	31309

Section 225.11. The Ohio Building Authority is hereby 31311
 authorized to issue and sell, in accordance with Section 2i of 31312
 Article VIII, Ohio Constitution, and Chapter 152. and other 31313
 applicable sections of the Revised Code, original obligations in 31314
 an aggregate principal amount not to exceed \$19,000,000 in 31315
 addition to the original issuance of obligations heretofore 31316
 authorized by prior acts of the General Assembly. These authorized 31317
 obligations shall be issued, subject to applicable constitutional 31318
 and statutory limitations, to pay the costs associated with 31319
 previously authorized capital facilities and the capital 31320
 facilities referred to in Section 225.10 of this act for the 31321
 Department of Youth Services. 31322

Section 227.10. The items set forth in this section are 31323
 hereby appropriated out of any moneys in the state treasury to the 31324
 credit of the Cultural and Sports Facilities Building Fund (Fund 31325

7030)	that are not otherwise appropriated.		31326
		Appropriations	
	AFC CULTURAL FACILITIES COMMISSION		31327
C37118	Statewide Site Repairs	\$ 650,000	31328
C37120	Cincinnati Museum Center	\$ 2,500,000	31329
C37122	Akron Art Museum	\$ 700,000	31330
C37123	Youngstown Symphony Orchestra	\$ 675,000	31331
C37127	Cedar Bog	\$ 50,000	31332
C37139	Stan Hywet Hall & Gardens	\$ 1,050,000	31333
C37140	McKinley Museum Improvements	\$ 200,000	31334
C37142	Midland Theatre Improvements	\$ 300,000	31335
C37148	Hayes Presidential Center	\$ 150,000	31336
C37152	Zoar Village Building Restoration	\$ 90,000	31337
C37153	Basic Renovations and Emergency Repairs	\$ 850,000	31338
C37158	Rankin House Restoration and Development	\$ 242,000	31339
C37163	Harding Home and Tomb	\$ 340,000	31340
C37165	Ohio Historical Center Rehabilitation	\$ 514,000	31341
C37187	Renaissance Theatre	\$ 900,000	31342
C37188	Trumpet in the Land Facility	\$ 150,000	31343
C371A3	Voice of America Museum Facility	\$ 500,000	31344
C371A9	Western Reserve Historical Society	\$ 300,000	31345
C371C7	Music Hall Facility	\$ 1,100,000	31346
C371E5	Pro Football Hall of Fame	\$ 500,000	31347
C371F6	Colony Theater	\$ 250,000	31348
C371G4	Collections Storage Facility and Learning Center	\$ 1,240,000	31349
C371G6	Lockington Locks Stabilization	\$ 462,000	31350
C371H2	National Underground Railroad Freedom Center	\$ 850,000	31351
C371H5	Heritage Center of Dayton Manufacturing & Entrepreneurship	\$ 1,000,000	31352
C371H7	COSI - Columbus	\$ 500,000	31353

C371H8	Columbus Museum of Art	\$	1,500,000	31354
C371J3	Davis-Shai Historical Facility	\$	725,000	31355
C371J4	Massillon Museum Improvements	\$	150,000	31356
C371J6	Peggy McConnell Arts Center - Worthington	\$	475,000	31357
C371J9	Stambaugh Auditorium	\$	675,000	31358
C371K3	Cincinnati Ballet	\$	250,000	31359
C371L3	Ukrainian Museum	\$	50,000	31360
C371L4	Gordon Square Arts District	\$	1,800,000	31361
C371M8	Hale Farm and Village	\$	200,000	31362
C371O9	Historic Site-Signage - Phase II	\$	50,000	31363
C371P4	Cleveland Playhouse	\$	150,000	31364
C371P9	Civil War Site Improvements	\$	475,000	31365
C371Q0	On-Line Portal to Ohio's Heritage	\$	427,000	31366
C371Q1	Lucas County Multi-purpose Sports Arena	\$	2,200,000	31367
C371Q2	Ballpark Village project	\$	2,000,000	31368
C371Q5	Cincinnati Zoo	\$	1,500,000	31369
C371Q6	Cincinnati Art Museum	\$	1,500,000	31370
C371R0	King Arts Complex	\$	861,000	31371
C371R3	Loudonville Opera House	\$	600,000	31372
C371R4	Eagles Palace Theater	\$	600,000	31373
C371R6	Historic McCook House	\$	500,000	31374
C371R7	Jeffrey Mansion in Bexley	\$	475,000	31375
C371R8	Columbus Zoo and Aquarium	\$	500,000	31376
C371S0	Towpath Trail	\$	500,000	31377
C371S1	Museum of Contemporary Art Cleveland	\$	450,000	31378
C371S2	Arts in Stark Cultural Center	\$	450,000	31379
C371S3	Ohio Genealogical Society	\$	350,000	31380
C371S5	The Fine Arts Association	\$	300,000	31381
C371S7	Maltz Museum of Jewish Heritage	\$	300,000	31382
C371S8	Allen County Historical Society Museum Renovation	\$	280,000	31383
C371S9	Portsmouth Mural	\$	250,000	31384

C371T0	Mt. Vernon - Nazarene University Arts Center	\$	300,000	31385
C371T2	Bucyrus Little Theater Restoration Project	\$	250,000	31386
C371T3	Boonshoft Museum of Discovery	\$	250,000	31387
C371T5	Cliffton Cultural Arts Center	\$	250,000	31388
C371T6	Baltimore Theatre	\$	50,000	31389
C371T7	Rock Mill Park Improvements	\$	150,000	31390
C371T9	Cozad-Bates House Historic Project	\$	100,000	31391
C371U1	Playhouse Square Center	\$	350,000	31392
C371U3	Lake Erie Nature & Science Center	\$	200,000	31393
C371U4	Great Lakes Science Center	\$	300,000	31394
C371U5	Cleveland Zoological Society	\$	150,000	31395
C371U8	Kidron Historical Society - Sonnenberg Village project	\$	200,000	31396
C371V0	Chesterhill Union Hall Theatre	\$	25,000	31397
C371V1	Geauga County Historical Society - Maple Museum	\$	20,000	31398
C371V2	Hallsville Historical Society	\$	100,000	31399
C371V3	Fayette County Historical Society	\$	150,000	31400
C371V4	Covedale Theatre	\$	100,000	31401
C371V5	Mariemont City - Women's Cultural Arts Center	\$	220,000	31402
C371V6	Madeira Historical Society/Miller House	\$	60,000	31403
C371V7	Sylvania Historic Village restoration	\$	200,000	31404
C371V9	Henry County Historical Society museum	\$	59,000	31405
C371W0	Antwerp Railroad Depot historic building	\$	106,000	31406
C371W1	Village of Edinburg Veterans Memorial	\$	35,000	31407
C371W2	Lorain County Historical Society Horace Starr House	\$	200,000	31408
C371W3	North Ridgeville Historic Community Theater	\$	175,000	31409
C371W4	Redbrick Center for the Arts	\$	200,000	31410

C371W5	Irene Lawrence Fuller Historic House	\$	250,000	31411
C371W6	Preble County Historical Society Amphitheater	\$	250,000	31412
C371W7	BalletTech	\$	200,000	31413
C371W8	Cincinnati Museum Center - Eulett Center	\$	150,000	31414
C371W9	Rickenbacker Boyhood Home	\$	139,000	31415
C371X0	Rivers Edge Amphitheater project	\$	100,000	31416
C371X1	Variety Theater	\$	85,000	31417
C371X2	Morgan Township Historical Society	\$	80,000	31418
C371X3	Salem Community Theater	\$	53,000	31419
C371X4	Our House State Memorial	\$	50,000	31420
C371X5	Belle's Opera House Improvements	\$	50,000	31421
C371X6	Warren Veterans memorial	\$	50,000	31422
C371X7	Huntington Playhouse	\$	40,000	31423
C371X8	Cambridge Performing Arts Center	\$	37,500	31424
C371X9	Old Harvey Historic School Restoration	\$	25,000	31425
C371Y0	Dalton Community Historical Society	\$	10,000	31426
C371Y1	Mohawk Veterans' Memorial	\$	15,000	31427
C371Y2	Cleveland Museum of Natural History	\$	150,000	31428
C371Y3	Fire Museum	\$	83,334	31429
C371Y4	New Town Indian Artifact Museum	\$	300,000	31430
C371Y5	City of Perrysburg Fort Meigs	\$	200,000	31431
C371Y6	Historic League Park Restoration	\$	150,000	31432
C371Y8	Madisonville Arts Center of Hamilton County	\$	36,000	31433
C371Z0	Marietta Citizens Armory Cultural Center	\$	200,000	31434
C371Z1	Great Lakes Historical Museum	\$	200,000	31435
	Total Cultural Facilities Commission	\$	43,709,834	31436
	TOTAL Cultural and Sports Facilities Building Fund	\$	43,709,834	31437
	Of the foregoing appropriation item C371Q5, Cincinnati Zoo,			31438
	\$750,000 shall be used for the Cat Canyon/Small Cat Reproduction			31439
	Center project.			31440

Section 227.11. The Treasurer of State is hereby authorized 31441
 to issue and sell, in accordance with Section 2i of Article VIII, 31442
 Ohio Constitution, and Chapter 154. and other applicable sections 31443
 of the Revised Code, original obligations in an aggregate 31444
 principal amount not to exceed \$42,000,000 in addition to the 31445
 original issuance of obligations heretofore authorized by prior 31446
 acts of the General Assembly. These authorized obligations shall 31447
 be issued, subject to applicable constitutional and statutory 31448
 limitations, to pay costs of capital facilities as defined in 31449
 section 154.01 of the Revised Code, including construction as 31450
 defined in division (H) of section 3383.01 of the Revised Code, of 31451
 the Ohio cultural facilities designated in Section 227.10 of this 31452
 act. 31453

Section 229.10. The items set forth in this section are 31454
 hereby appropriated out of any moneys in the state treasury to the 31455
 credit of the Ohio Parks and Natural Resources Fund (Fund 7031) 31456
 that are not otherwise appropriated. 31457

Appropriations

	DNR DEPARTMENT OF NATURAL RESOURCES		31458
	STATEWIDE AND LOCAL PROJECTS		31459
C72512	Land Acquisition - Department	\$ 3,000,000	31460
C72549	Operations Facilities Development	\$ 1,500,000	31461
C725B7	Underground Fuel Storage Tank	\$ 750,000	31462
	Removal/Replacement - Department		
C725C0	Cap Abandoned Water Wells	\$ 50,000	31463
C725E1	NatureWorks Local Park Grants	\$ 3,800,000	31464
C725E5	Project Planning	\$ 1,100,000	31465
C725J0	Natural Areas and Preserves Maintenance	\$ 200,000	31466
	Facility Development - Springville Marsh		
	Carbon Rod Removal		
C725M0	Dam Rehabilitation - Department	\$ 10,000,000	31467

C725N1	Handicapped Accessibility - Department	\$	250,000	31468
C725N5	Wastewater/Water Systems Upgrade - Department	\$	3,000,000	31469
C725O1	The Wilds	\$	1,000,000	31470
C725P9	Boundary Protection	\$	150,000	31471
C725R6	Blanchard River Flood Mitigation Efforts	\$	3,000,000	31472
C725R7	Lake Alma Restroom and Shower Upgrades	\$	750,000	31473
C725R8	Indian Lake Dredging	\$	200,000	31474
C725R9	Wabash Watershed - Grand Lake St. Marys Dredging	\$	150,000	31475
C725S0	Historic Pittsburgh Marion & Chicago Train Station Bike Trail	\$	145,000	31476
C725S1	Addyston Boat Ramp	\$	100,000	31477
C725S2	Sylvania Retaining Wall Project	\$	200,000	31478
	Total Statewide and Local Projects	\$	29,245,000	31479
	Total Department of Natural Resources	\$	29,345,000	31480
	TOTAL Ohio Parks and Natural Resources Fund	\$	29,345,000	31481

Of the foregoing appropriation item C72512, Land Acquisition 31482
 - Department, \$2,500,000 shall be used for the acquisition of the 31483
 Vinton Furnace Experimental Forest. 31484

The foregoing appropriation item C725R6, Blanchard River 31485
 Flood Mitigation Efforts, shall be used in conjunction with the 31486
 U.S. Army Corps of Engineers plan to address continuing flooding 31487
 of the Blanchard River in Putnam, Hancock, Hardin, Wyandot, Allen, 31488
 and Seneca Counties as part of the nonfederal share. 31489

Section 229.11. The Ohio Public Facilities Commission, upon 31490
 the request of the Director of Natural Resources, is hereby 31491
 authorized to issue and sell, in accordance with Section 21 of 31492
 Article VIII, Ohio Constitution, and Chapter 151. and particularly 31493
 sections 151.01 and 151.05 of the Revised Code, original 31494
 obligations in an aggregate principal amount not to exceed 31495
 \$28,000,000 in addition to the original issuance of obligations 31496

heretofore authorized by prior acts of the General Assembly. These 31497
authorized obligations shall be issued, subject to applicable 31498
constitutional and statutory limitations, as needed to provide 31499
sufficient moneys to the credit of the Ohio Parks and Natural 31500
Resources Fund (Fund 7031) to pay costs of capital facilities as 31501
defined in sections 151.01 and 151.05 of the Revised Code. 31502

Section 231.10. The items set forth in the sections of this 31503
act prefixed with the number "231" are hereby appropriated out of 31504
any moneys in the state treasury to the credit of the Mental 31505
Health Facilities Improvement Fund (Fund 7033) that are not 31506
otherwise appropriated. 31507

Appropriations

Section 231.10.10. ADA DEPARTMENT OF ALCOHOL AND DRUG 31508
ADDICTION SERVICES 31509
C03804 Rehab Center of North Central Ohio \$ 300,000 31510
C03805 Prevention and Recovery Board - Jefferson \$ 300,000 31511
County
C03806 Lorain County Alcohol and Drug Abuse \$ 250,000 31512
Services
C03807 First Step Home \$ 200,000 31513
C03808 Glenbeigh Extended Residential Care \$ 500,000 31514
Total Department of Alcohol and Drug Addiction \$ 1,550,000 31515
Services

Appropriations

Section 231.10.20. DMH DEPARTMENT OF MENTAL HEALTH 31517
C58000 Hazardous Material Abatement \$ 500,000 31518
C58001 Community Assistance Projects \$ 9,160,000 31519
C58006 Patient Care Environment Improvement \$ 3,700,000 31520
C58007 Infrastructure Improvements \$ 4,600,000 31521

C58010	Campus Consolidation	\$	83,700,000	31522
C58017	Bellefaire Jewish Children's Bureau	\$	400,000	31523
C58018	Safety and Security Improvements	\$	1,460,000	31524
C58019	Energy Conservation Projects	\$	750,000	31525
C58020	Mandel Jewish Community Center	\$	210,000	31526
Total Department of Mental Health		\$	104,480,000	31527

COMMUNITY ASSISTANCE PROJECTS 31528

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, \$300,000 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 31540

STATEWIDE AND CENTRAL OFFICE PROJECTS 31542

C59004	Community Assistance Projects	\$	13,301,537	31543
C59022	Razing of Buildings	\$	200,000	31544
C59024	Telecommunications	\$	400,000	31545
C59029	Generator Replacement	\$	1,000,000	31546
C59034	Statewide Developmental Centers	\$	4,294,237	31547
C59050	Emergency Improvements	\$	500,000	31548
C59051	Energy Conservation	\$	500,000	31549
C59052	Guernsey County MRDD Boiler Replacement	\$	275,000	31550
C59053	Magnolia Clubhouse	\$	250,000	31551

C59054	Recreation Unlimited Life Center - Delaware	\$	150,000	31552
C59055	Camp McKinley Improvements	\$	30,000	31553
C59056	The Hope Learning Center	\$	250,000	31554
C59057	North Olmstead Welcome House	\$	150,000	31555
C59058	Providence House	\$	200,000	31556
	Total Statewide and Central Office Projects	\$	21,500,774	31557
	TOTAL Department of Mental Retardation and Developmental Disabilities	\$	21,500,774	31558
	TOTAL Mental Health Facilities Improvement Fund	\$	127,530,774	31559
	COMMUNITY ASSISTANCE PROJECTS			31560
	The foregoing appropriation item C59004, Community Assistance Projects, may be used to provide community assistance funds for the development, purchase, construction, or renovation of facilities for day programs or residential programs that provide services to persons eligible for services from the Department of Mental Retardation and Developmental Disabilities or county boards of mental retardation and developmental disabilities. Any funds provided to nonprofit agencies for the construction or renovation of facilities for persons eligible for services from the Department of Mental Retardation and Developmental Disabilities and county boards of mental retardation and developmental disabilities shall be governed by the prevailing wage provisions in section 176.05 of the Revised Code.			31561 31562 31563 31564 31565 31566 31567 31568 31569 31570 31571 31572 31573
	Section 231.30.10. The foregoing appropriations for the Department of Mental Health, C58001, Community Assistance Projects, and the Department of Mental Retardation and Developmental Disabilities, C59004, Community Assistance Projects, may be used for facilities constructed or to be constructed pursuant to Chapter 340., 3793., 5119., 5123., or 5126. of the Revised Code or the authority granted by section 154.20 of the Revised Code and the rules issued pursuant to those chapters and			31574 31575 31576 31577 31578 31579 31580 31581

shall be distributed by the Department of Mental Health and the 31582
Department of Mental Retardation and Developmental Disabilities, 31583
all subject to Controlling Board approval. 31584

Section 231.30.20. (A) No capital improvement appropriations 31585
made in Sections 231.10.10 to 231.30.10 of this act shall be 31586
released for planning or for improvement, renovation, or 31587
construction or acquisition of capital facilities if a 31588
governmental agency, as defined in section 154.01 of the Revised 31589
Code, does not own the real property that constitutes the capital 31590
facilities or on which the capital facilities are or will be 31591
located. This restriction does not apply in any of the following 31592
circumstances: 31593

(1) The governmental agency has a long-term (at least fifteen 31594
years) lease of, or other interest (such as an easement) in, the 31595
real property. 31596

(2) In the case of an appropriation for capital facilities 31597
that, because of their unique nature or location, will be owned or 31598
be part of facilities owned by a separate nonprofit organization 31599
and made available to the governmental agency for its use or 31600
operated by the nonprofit organization under contract with the 31601
governmental agency, the nonprofit organization either owns or has 31602
a long-term (at least fifteen years) lease of the real property or 31603
other capital facility to be improved, renovated, constructed, or 31604
acquired and has entered into a joint or cooperative use 31605
agreement, approved by the Department of Mental Health or the 31606
Department of Mental Retardation and Developmental Disabilities, 31607
whichever is applicable, with the governmental agency for that 31608
agency's use of and right to use the capital facilities to be 31609
financed and, if applicable, improved, the value of such use or 31610
right to use being, as determined by the parties, reasonably 31611
related to the amount of the appropriation. 31612

(B) In the case of capital facilities referred to in division 31613
(A)(2) of this section, the joint or cooperative use agreement 31614
shall include, at a minimum, provisions that: 31615

(1) Specify the extent and nature of that joint or 31616
cooperative use, extending for not fewer than fifteen years, with 31617
the value of such use or right to use to be, as determined by the 31618
parties and approved by the approving department, reasonably 31619
related to the amount of the appropriation; 31620

(2) Provide for pro rata reimbursement to the state should 31621
the arrangement for joint or cooperative use by a governmental 31622
agency be terminated; 31623

(3) Provide that procedures to be followed during the capital 31624
improvement process will comply with applicable state statutes and 31625
rules, including the provisions of this act. 31626

Section 231.40.10. The Treasurer of State is hereby 31627
authorized to issue and sell in accordance with Section 2i of 31628
Article VIII, Ohio Constitution, and Chapter 154. of the Revised 31629
Code, particularly section 154.20 of the Revised Code, original 31630
obligations in an aggregate principal amount not to exceed 31631
\$128,000,000 in addition to the original issuance of obligations 31632
heretofore authorized by prior acts of the General Assembly. These 31633
authorized obligations shall be issued, subject to applicable 31634
constitutional and statutory limitations, to pay costs of capital 31635
facilities as defined in section 154.01 of the Revised Code for 31636
mental hygiene and retardation. 31637

Section 233.10. The items set forth in the sections of this 31638
act prefixed with the section number "233" are hereby appropriated 31639
out of any moneys in the state treasury to the credit of the 31640
Higher Education Improvement Fund (Fund 7034) that are not 31641
otherwise appropriated. 31642

Appropriations

Section 233.10.10. ETC ETECH OHIO			31643
C37403	OGT Camera and Cabling Replacement	\$ 725,000	31644
C37404	Digital Conversion	\$ 525,000	31645
C37405	Digital Conversion for Public Television	\$ 9,000,000	31646
Total eTech Ohio		\$ 10,250,000	31647

Appropriations

Section 233.20.10. BOARD OF REGENTS AND STATE INSTITUTIONS OF HIGHER EDUCATION			31649
			31650
BOR BOARD OF REGENTS			31651
C23501	Ohio Supercomputer Center Expansion	\$ 2,000,000	31652
C23502	Research Facility Action and Investment Funds	\$ 5,500,000	31653
C23506	Third Frontier Wright Capital	\$ 100,000,000	31654
C23516	Ohio Library and Information Network	\$ 9,910,000	31655
C23519	315 Corridor/SciTech	\$ 500,000	31656
C23524	Supplemental Renovations - Library Depositories	\$ 5,500,000	31657
C23529	Non-credit Job Training Facilities	\$ 2,350,000	31658
C23530	Technology Initiatives	\$ 3,741,000	31659
C23531	Ohio Aerospace Institute	\$ 200,000	31660
C23532	Dark Fiber/OARnet	\$ 2,000,000	31661
C23533	Instructional and Data Processing Equipment	\$ 20,799,000	31662
C23534	Central State Student Activity Center	\$ 14,000,000	31663
C23535	CWRU Energy Center	\$ 333,333	31664
Total Board of Regents		\$ 166,833,333	31665

Section 233.20.20. RESEARCH FACILITY ACTION AND INVESTMENT FUNDS			31667
			31668

The foregoing appropriation item C23502, Research Facility 31669

Action and Investment Funds, shall be used for a program of grants 31670
to be administered by the Board of Regents to provide timely 31671
availability of capital facilities for research programs and 31672
research-oriented instructional programs at or involving 31673
state-supported and state-assisted institutions of higher 31674
education. 31675

Section 233.20.30. THIRD FRONTIER WRIGHT CAPITAL 31676

The foregoing appropriation item C23506, Third Frontier 31677
Wright Capital, shall be used to acquire, renovate, or construct 31678
facilities and purchase equipment for research programs, 31679
technology development, product development, and commercialization 31680
programs at or involving state-supported and state-assisted 31681
institutions of higher education. The funds shall be used to make 31682
grants, which shall be awarded on a competitive basis, and shall 31683
be administered by the Third Frontier Commission. Expenditure of 31684
these funds shall comply with Section 2n of Article VIII, Ohio 31685
Constitution, and sections 151.01 and 151.04 of the Revised Code 31686
and shall be for the period beginning July 1, 2008, and ending 31687
June 30, 2010. 31688

The Third Frontier Commission shall develop guidelines 31689
relative to the application for and selection of projects funded 31690
from appropriation item C23506, Third Frontier Wright Capital. The 31691
Commission may develop the guidelines in consultation with other 31692
interested parties. The Board of Regents and all state-assisted 31693
and state-supported institutions of higher education shall take 31694
all actions necessary to implement grants awarded by the Third 31695
Frontier Commission. 31696

The foregoing appropriation item C23506, Third Frontier 31697
Wright Capital, consists of proceeds of obligations in the Higher 31698
Education Improvement Fund (Fund 7034) that are to be applied to 31699
capital improvements and capital facilities for state-supported 31700

and state-assisted institutions of higher education. 31701

Appropriations

Section 233.30.10. UAK UNIVERSITY OF AKRON 31702

C25000	Basic Renovations	\$	5,056,161	31703
C25002	Wayne College Renovations/Expansion	\$	258,182	31704
C25033	Polymer Processing Center - Phase II	\$	7,363,281	31705
C25038	College of Education	\$	5,000,000	31706
C25039	Campus Implementation	\$	1,452,047	31707
C25040	Replacement of Gym Floor	\$	150,000	31708
C25041	Maintenance Building	\$	250,000	31709
C25042	Property Management Projects	\$	150,000	31710
C25043	Akron Canton Regional Foodbank	\$	200,000	31711
C25044	Hiram College James A. Garfield Institute	\$	500,000	31712
Total University of Akron		\$	20,379,671	31713

Appropriations

Section 233.30.20. BGU BOWLING GREEN STATE UNIVERSITY 31715

C24000	Basic Renovations	\$	4,354,164	31716
C24001	Basic Renovations - Firelands	\$	298,536	31717
C24021	Fine Art and Theater Complex	\$	6,116,000	31718
C24037	Academic Buildings Rehabilitation	\$	6,857,801	31719
C24038	Health Sciences Building	\$	934,363	31720
C24039	Wood County Health District Facility	\$	1,200,000	31721
C24040	James H. McBride Arboretum at BGSU Firelands	\$	378,000	31722
Total Bowling Green University		\$	20,138,864	31723

Appropriations

Section 233.30.30. CSU CENTRAL STATE UNIVERSITY 31725

C25500	Basic Renovations	\$	1,100,972	31726
C25503	Center for Education & Natural Sciences	\$	1,000,000	31727

C25507	Campus Master Plan	\$	500,000	31728
C25508	Emery Hall	\$	545,746	31729
Total Central State University		\$	3,146,718	31730

Appropriations

Section 233.30.40. UCN UNIVERSITY OF CINCINNATI				31731
C26500	Basic Renovations	\$	10,720,621	31732
C26501	Basic Renovations - Clermont	\$	326,112	31733
C26502	Raymond Walters Renovations	\$	501,195	31734
C26530	Medical Science Building Renovation & Expansion	\$	26,412,509	31735
C26607	Consolidated Communication Project of Clermont County	\$	475,000	31736
C26612	Clermont Renovations	\$	751,132	31737
C26613	New Building	\$	1,582,233	31738
C26614	Barrett Cancer Center	\$	1,500,000	31739
C26615	Beech Acres	\$	125,000	31740
C26616	Forest Park Homeland Security Facility	\$	50,000	31741
C26617	Health Care Connection - Lincoln Heights	\$	150,000	31742
C26618	People Working Cooperatively	\$	120,000	31743
C26619	Sharonville Convention Center	\$	950,000	31744
C26620	Society for the Prevention of Cruelty to Animals - Facility	\$	100,000	31745
C26621	Mayerson Center	\$	200,000	31746
Total University of Cincinnati		\$	43,963,802	31747

Appropriations

Section 233.30.50. CLS CLEVELAND STATE UNIVERSITY				31749
C26000	Basic Renovations	\$	6,431,121	31750
C26035	Cleveland Institute of Art	\$	500,000	31751
C26048	Rhodes Tower Renovation	\$	4,030,166	31752
C26049	Basic Science Building HVAC and Electrical Upgrade	\$	1,125,000	31753

C26050	Law Building Renovation	\$	3,500,000	31754
C26051	Cleveland Hearing and Speech Center	\$	125,000	31755
C26052	University Hospitals Ireland Cancer Center	\$	3,000,000	31756
Total Cleveland State University		\$	18,711,287	31757

Appropriations

Section 233.30.60. KSU KENT STATE UNIVERSITY				31759
C27000	Basic Renovations	\$	5,220,323	31760
C27002	Basic Renovations - East Liverpool	\$	177,231	31761
C27004	Basic Renovations - Salem	\$	136,423	31762
C27005	Basic Renovations - Stark	\$	491,417	31763
C27006	Basic Renovations - Ashtabula	\$	281,425	31764
C27007	Basic Renovations - Trumbull	\$	463,939	31765
C27008	Basic Renovations - Tuscarawas	\$	310,510	31766
C27072	Gym Renovations for Health Sciences, Construction Phase	\$	486,469	31767
C27076	Performing Arts Center	\$	933,027	31768
C27087	Electrical Infrastructure Improvements	\$	1,407,000	31769
C27088	Oscar Ritchie Hall Rehabilitation	\$	6,715,000	31770
C27090	Music and Speech Center Renovations/Addition	\$	5,781,158	31771
C27093	Science and Nursing Building	\$	1,600,286	31772
C27096	Blossom Music Center	\$	1,000,000	31773
C270A5	Basic Renovations - Geauga	\$	93,152	31774
C270A6	Main Hall Renovations	\$	768,084	31775
C270A7	Classroom Building Interior Renovations, Phase 2	\$	333,435	31776
C270A8	Classroom Building HVAC and Energy Conservation Improvements	\$	259,027	31777
C270A9	Art Building Roof Replacement	\$	1,000,000	31778
C270B0	Classroom Building Interior Renovations	\$	854,608	31779
C270B1	University Hospitals Geauga Medical	\$	1,000,000	31780

Center			
C270B2	Cleveland Orchestra - Severance Hall	\$	750,000 31781
Total Kent State University		\$	30,062,514 31782

Appropriations

Section 233.30.70. MUN MIAMI UNIVERSITY			31784
C28500	Basic Renovations	\$	5,615,288 31785
C28502	Basic Renovations - Hamilton	\$	686,759 31786
C28503	Basic Renovations - Middletown	\$	588,815 31787
C28556	Upham Hall North Wing Rehabilitation	\$	3,600,000 31788
C28559	Academic/Administrative & General Improvement Projects	\$	1,153,217 31789
C28560	Academic/Administrative & General Improvement Projects	\$	1,286,226 31790
C28564	Laws Hall Rehabilitation	\$	6,250,000 31791
C28565	Hughes Hall "C" Wing (design)	\$	700,000 31792
C28566	Western Steam Distribution Project	\$	1,500,000 31793
Total Miami University		\$	21,380,305 31794

Appropriations

Section 233.30.80. OSU OHIO STATE UNIVERSITY			31796
C31500	Basic Renovations	\$	22,999,842 31797
C31598	Main Library Rehabilitation/Expansion	\$	8,660,000 31798
C315R4	Founders Hall and Hopewell Hall Renovations	\$	1,003,812 31799
C315R7	Stone Lab Classroom Improvements	\$	250,000 31800
C315T4	Basic Renovations - Agricultural Technical Institute	\$	623,680 31801
C315T5	Basic Renovations - Lima	\$	311,913 31802
C315T6	Basic Renovations - Mansfield	\$	374,760 31803
C315T7	Basic Renovations - Marion	\$	312,878 31804
C315T8	Basic Renovations - Newark	\$	361,499 31805
C315T9	Basic Renovations - OARDC	\$	2,118,042 31806

C315U0	Horticultural Operations Center	\$	6,855,787	31807
C315U1	New Maintenance Facility	\$	2,000,000	31808
C315U2	Academic Core - North	\$	37,756,725	31809
C315U3	Cunz Hall Renovation	\$	6,540,000	31810
C315U4	College of Medicine Renovation/Addition	\$	6,000,000	31811
C315U5	Animal & Plant Biology Level 3 Isolate Facility	\$	6,220,796	31812
C315U7	Nationwide Children's Hospital Capital Equipment	\$	2,500,000	31813
C315U8	OSU African American & African Studies Community Center	\$	750,000	31814
C315U9	Flying Horse Pediatric Facility	\$	250,000	31815
Total Ohio State University		\$	105,889,734	31816

Appropriations

Section 233.30.90. OHU OHIO UNIVERSITY				31818
C30000	Basic Renovations	\$	5,043,296	31819
C30004	Basic Renovations - Eastern	\$	218,674	31820
C30006	Basic Renovations - Zanesville	\$	297,309	31821
C30007	Basic Renovations - Chillicothe	\$	266,629	31822
C30008	Basic Renovations - Ironton	\$	232,932	31823
C30021	Brasee Hall Library/Gymnasium Renovation	\$	801,485	31824
C30048	Clippinger Laboratory Renovation - 2nd & 3rd Floors	\$	3,400,000	31825
C30051	Lausche Heating Plant Completion	\$	4,410,000	31826
C30053	Parking and Roadway Improvements	\$	502,542	31827
C30058	Integrated Learning and Research Facility	\$	9,000,000	31828
C30062	Shannon Hall Interior Renovations - Learning Commons	\$	609,112	31829
C30064	Stevenson Center Learning Commons	\$	500,000	31830
C30069	Elson Hall 2nd Floor Partial Renovation	\$	1,129,666	31831
C30073	Land Acquisition	\$	170,830	31832

C30074	Basic Renovations - Lancaster	\$	306,577	31833
C30075	Infrastructure Improvements	\$	1,900,000	31834
C30076	Campus Entry & Grounds Improvements	\$	325,000	31835
C30077	Academic Building Laboratory & Classroom Renovation Planning	\$	58,491	31836
C30078	OU Southern Proctorville Campus Upgrades	\$	50,000	31837
C30079	OU Southern Horse Park	\$	325,000	31838
Total Ohio University		\$	29,547,543	31839

Appropriations

Section 233.33.10. SSC SHAWNEE STATE UNIVERSITY 31841

C32400	Basic Renovations	\$	1,036,884	31842
C32415	Land Acquisition	\$	200,000	31843
C32423	Administration Building Renovation	\$	1,443,831	31844
Total Shawnee State University		\$	2,680,715	31845

Appropriations

Section 233.33.20. UTO UNIVERSITY OF TOLEDO 31847

C34000	Basic Renovations	\$	5,800,643	31848
C34033	CBLE - Stranahan Hall Addition	\$	4,600,000	31849
C34036	North Engineering Renovation	\$	4,750,000	31850
C34038	MCO - Core Research Facility	\$	1,800,000	31851
C34040	MCO - Clinical Academic Renovation	\$	900,000	31852
C34041	MCO - Resource & Community Learning Center	\$	900,000	31853
C34044	Campus Infrastructure Improvements	\$	3,750,000	31854
C34045	Building Demolition	\$	1,400,000	31855
C34046	MCO - Basic Renovations	\$	2,013,792	31856
C34047	Center for Equal Justice	\$	1,000,000	31857
C34048	Mercy College Technology and Infomatics Center	\$	225,000	31858
Total University of Toledo		\$	27,139,435	31859

Appropriations

Section 233.33.30. WSU WRIGHT STATE UNIVERSITY			31861
C27500	Basic Renovations	\$ 3,759,018	31862
C27501	Basic Renovations - Lake	\$ 132,481	31863
C27513	Science Laboratory Renovations	\$ 8,521,508	31864
C27526	Lake Campus Rehabilitation and Addition	\$ 461,750	31865
C27527	Advanced Technical Intelligence Center (ATIC)	\$ 2,500,000	31866
C27533	Auditorium/Classroom Upgrades	\$ 1,084,769	31867
C27534	Student Academic Success Center Renovation	\$ 250,000	31868
C27535	Air Force Advanced Manufacturing Facility	\$ 1,500,000	31869
C27536	Nursing Institute Facility	\$ 500,000	31870
C27537	Calamityville Lab Facilities (WPAFB)	\$ 3,000,000	31871
Total Wright State University		\$ 21,709,526	31872

Appropriations

Section 233.33.40. YSU YOUNGSTOWN STATE UNIVERSITY			31874
C34500	Basic Renovations	\$ 3,473,188	31875
C34518	Building System Upgrades	\$ 624,834	31876
C34523	Campus Development	\$ 1,500,000	31877
C34524	Instructional Space Upgrades	\$ 850,000	31878
C34525	College of Business	\$ 5,100,000	31879
C34526	Trumbull County Business Incubator	\$ 500,000	31880
Total Youngstown State University		\$ 12,048,022	31881

Appropriations

Section 233.33.50. NEM NORTHEASTERN OHIO UNIVERSITIES COLLEGE			31883
OF MEDICINE			31884
C30500	Basic Renovations	\$ 637,463	31885
C30517	Building Expansion Sitework	\$ 1,473,952	31886
Total Northeastern Ohio Universities College of		\$ 2,111,415	31887

Medicine

Appropriations

Section 233.40.10. CTC CINCINNATI STATE COMMUNITY COLLEGE			31889
C36101	Basic Renovations	\$ 1,255,923	31890
C36107	Classroom Upgrade Project	\$ 270,000	31891
C36113	Freestore Food Bank	\$ 100,000	31892
C36114	Lot C Parking Lot	\$ 250,000	31893
C36115	Ceiling Replacement	\$ 75,000	31894
C36116	Electrical Surge Protection	\$ 100,000	31895
C36117	Campus Signage	\$ 75,000	31896
C36118	Window and Garage Doors	\$ 175,659	31897
C36119	Window Replacement	\$ 100,000	31898
C36120	Blue Ash City Conference Center	\$ 150,000	31899
C36121	Hebrew Union College Archives	\$ 185,000	31900
Total Cincinnati State Community College			\$ 2,736,582 31901

Appropriations

Section 233.40.20. CLT CLARK STATE COMMUNITY COLLEGE			31903
C38512	Basic Renovations	\$ 536,990	31904
C38513	Clark State Arts Center	\$ 300,000	31905
C38514	Center City Park in Springfield - Phase	\$ 1,500,000	31906
II			
Total Clark State Community College			\$ 2,336,990 31907

Appropriations

Section 233.40.30. CTI COLUMBUS STATE COMMUNITY COLLEGE			31909
C38400	Basic Renovations	\$ 1,691,834	31910
C38411	Columbus Hall Renovation	\$ 5,470,913	31911
C38412	Painters Apprenticeship Council	\$ 500,000	31912
C38413	Jewish Community Center NE Initiative	\$ 575,000	31913
C38414	Somali Community Center	\$ 100,000	31914
Total Columbus State Community College			\$ 8,337,747 31915

Appropriations

Section 233.40.40. CCC CUYAHOGA COMMUNITY COLLEGE			31917
C37800	Basic Renovations	\$ 3,482,709	31918
C37807	Cleveland Museum of Art	\$ 3,100,000	31919
C37818	Health Care Technology Building, Eastern Campus	\$ 9,775,889	31920
C37824	Rock and Roll Hall of Fame	\$ 1,000,000	31921
C37829	College of Podiatric Medicine	\$ 250,000	31922
C37830	Cuyahoga Community College Auto Lab Improvements	\$ 100,000	31923
C37831	Visiting Nurse Association	\$ 150,000	31924
C37832	Western Reserve Hospice Center	\$ 100,000	31925
Total Cuyahoga Community College			\$ 17,958,598 31926

Appropriations

Section 233.40.50. ESC EDISON STATE COMMUNITY COLLEGE			31928
C39000	Basic Renovations	\$ 688,818	31929
Total Edison State Community College			\$ 688,818 31930

Appropriations

Section 233.40.60. JTC JEFFERSON COMMUNITY COLLEGE			31932
C38600	Basic Renovations	\$ 269,043	31933
C39608	Second Floor Pugliese Training Center	\$ 887,025	31934
Total Jefferson Community College			\$ 1,156,068 31935

Appropriations

Section 233.40.70. LCC LAKELAND COMMUNITY COLLEGE			31937
C37900	Basic Renovations	\$ 1,132,835	31938
C37912	C Building East End	\$ 1,896,964	31939
Total Lakeland Community College			\$ 3,029,799 31940

Appropriations

Section 233.40.80. LOR LORAIN COMMUNITY COLLEGE			31942
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C38300	Basic Renovations	\$	1,275,420	31943
C38307	CC Rehabilitation - Student Center	\$	3,572,633	31944
Total Lorain Community College		\$	4,848,053	31945

Appropriations

Section 233.40.90. NTC NORTHWEST STATE COMMUNITY COLLEGE				31947
C38200	Basic Renovations	\$	104,798	31948
C38205	Allied Health and Public Service Building	\$	1,093,249	31949
C38206	Fulton County Wind Project	\$	250,000	31950
Total Northwest State Community College		\$	1,448,047	31951

Appropriations

Section 233.43.10. OTC OWENS COMMUNITY COLLEGE				31953
C38800	Basic Renovations	\$	1,778,419	31954
C38813	Energy Management Infrastructure	\$	2,000,000	31955
C38814	Required and Code Compliance Renovations for Penta Campus	\$	2,500,000	31956
C38815	City of Perrysburg & Owens Community College Firing Range	\$	200,000	31957
Total Owens Community College		\$	6,478,419	31958

Appropriations

Section 233.43.20. RGC RIO GRANDE COMMUNITY COLLEGE				31960
C35600	Basic Renovations	\$	495,799	31961
C35606	Louvee Theater Project	\$	450,000	31962
Total Rio Grande Community College		\$	945,799	31963

Appropriations

Section 233.43.30. SCC SINCLAIR COMMUNITY COLLEGE				31965
C37700	Basic Renovations	\$	2,518,446	31966
C37709	National Composite Center	\$	750,000	31967
C37710	Greentree Health Science Academy	\$	1,000,000	31968

Total Sinclair Community College	\$	4,268,446	31969
			Appropriations
Section 233.43.40. SOC SOUTHERN STATE COMMUNITY COLLEGE			31971
C32200 Basic Renovations	\$	404,599	31972
C32204 Laboratory and Classroom Building	\$	100,000	31973
Total Southern State Community College	\$	504,599	31974
			Appropriations
Section 233.43.50. TTC TERRA STATE COMMUNITY COLLEGE			31976
C36400 Basic Renovations	\$	368,589	31977
C36407 Skilled Trades Center	\$	3,250,000	31978
C36408 Herbert Perna Center for Physical Health Studies	\$	375,000	31979
Total Terra State Community College	\$	3,993,589	31980
			Appropriations
Section 233.43.60. WTC WASHINGTON STATE COMMUNITY COLLEGE			31982
C35800 Basic Renovations	\$	328,895	31983
C35810 Health Science Education Facility	\$	250,000	31984
Total Washington State Community College	\$	578,895	31985
			Appropriations
Section 233.50.10. BTC BELMONT TECHNICAL COLLEGE			31987
C36800 Basic Renovations	\$	243,300	31988
Total Belmont Technical College	\$	243,300	31989
			Appropriations
Section 233.50.20. COT CENTRAL OHIO TECHNICAL COLLEGE			31991
C36900 Basic Renovations	\$	306,291	31992
C36905 Founders Hall and Hopewell Hall Renovations	\$	879,000	31993
C36907 COTC Expansion in Mt. Vernon	\$	700,000	31994

Total Central Ohio Technical College \$ 1,885,291 31995

Appropriations

Section 233.50.30. HTC HOCKING TECHNICAL COLLEGE 31997

C36300 Basic Renovations \$ 654,837 31998

C36310 McClenaghan Center for Hospitality \$ 1,400,000 31999
 Training

C36312 Energy Institute \$ 300,226 32000

C36313 Perry County Community Health Center at \$ 200,000 32001
 Hocking College

C36314 New Lexington Public Safety Training \$ 750,000 32002
 Facility

Total Hocking Technical College \$ 3,305,063 32003

Appropriations

Section 233.50.40. LTC JAMES RHODES STATE COLLEGE 32005

C38100 Basic Renovations \$ 435,403 32006

C38110 Design Planning for Center of Excellence \$ 919,365 32007
 for Health Sciences

Total James Rhodes State College \$ 1,354,768 32008

Appropriations

Section 233.50.50. MTC MARION TECHNICAL COLLEGE 32010

C35900 Basic Renovations \$ 139,497 32011

C35905 Technical Education Center Vacated Space \$ 576,136 32012
 Renovations

Total Marion Technical College \$ 715,633 32013

Appropriations

Section 233.50.60. MAT ZANE STATE COLLEGE 32015

C36200 Basic Renovations \$ 294,447 32016

C36205 Willett-Pratt Training Center Expansion \$ 250,000 32017

C36207 College & Health Science Halls ESI \$ 500,000 32018

Project, Phase II

Total Zane State College \$ 1,044,447 32019

Appropriations

Section 233.50.70. NCC NORTH CENTRAL TECHNICAL COLLEGE 32021

C38000 Basic Renovations \$ 552,097 32022

C38010 North Central State College Kehoe Center \$ 585,000 32023

C38011 North Central State College Fallerius \$ 150,000 32024

Technology Center

Total North Central Technical College \$ 1,287,097 32025

Appropriations

Section 233.50.80. STC STARK TECHNICAL COLLEGE 32027

C38900 Basic Renovations \$ 786,333 32028

C38913 Business Technologies Building \$ 2,034,537 32029

C38914 Corporate and Community Services \$ 500,000 32030

Facility

Total Stark Technical College \$ 3,320,870 32031

Total Board of Regents and 32032

Institutions of Higher Education \$ 598,209,802 32033

TOTAL Higher Education Improvement Fund \$ 608,459,802 32034

Section 233.60.10. DEBT SERVICE FORMULA ALLOCATION 32036

Based on the foregoing appropriations from the Higher 32037

Education Improvement Fund (Fund 7034), the following higher 32038

education institutions shall be responsible for the specified 32039

amounts as part of the debt service component of the instructional 32040

subsidy beginning in fiscal year 2010: 32041

INSTITUTION AMOUNT 32042

University of Akron \$ 13,355,046 32043

University of Akron - Wayne \$ 627,584 32044

Bowling Green State University \$ 12,482,535 32045

Bowling Green State University - Firelands \$ 942,492 32046

Central State University	\$	2,045,746	32047
University of Cincinnati	\$	26,412,509	32048
University of Cincinnati - Clermont	\$	751,132	32049
University of Cincinnati - Walters	\$	1,582,233	32050
Cleveland State University	\$	10,760,269	32051
Kent State University	\$	14,903,158	32052
Kent State University - Ashtabula	\$	812,835	32053
Kent State University - East Liverpool	\$	333,435	32054
Kent State University - Geauga	\$	259,027	32055
Kent State University - Salem	\$	486,469	32056
Kent State University - Stark	\$	1,600,286	32057
Kent State University - Trumbull	\$	854,608	32058
Kent State University - Tuscarawas	\$	933,027	32059
Miami University	\$	13,042,402	32060
Miami University - Hamilton	\$	1,324,456	32061
Miami University - Middletown	\$	1,405,890	32062
Ohio State University	\$	58,956,725	32063
Ohio State University - ATI	\$	6,855,787	32064
Ohio State University - Lima	\$	2,000,000	32065
Ohio State University - Newark	\$	1,030,695	32066
Ohio State University - OARDC	\$	6,220,796	32067
Ohio University	\$	17,406,578	32068
Ohio University - Eastern	\$	609,112	32069
Ohio University - Chillicothe	\$	1,002,542	32070
Ohio University - Southern	\$	554,321	32071
Ohio University - Lancaster	\$	801,485	32072
Ohio University - Zanesville	\$	1,129,666	32073
Shawnee State University	\$	1,643,831	32074
University of Toledo	\$	17,839,425	32075
Wright State University	\$	9,856,277	32076
Wright State University - Lake	\$	461,750	32077
Youngstown State University	\$	8,144,264	32078
Northeastern Ohio Universities College of	\$	1,542,025	32079

Medicine

Cincinnati State Community College	\$	924,024	32080
Columbus State Community College	\$	5,470,913	32081
Cuyahoga Community College	\$	9,775,889	32082
Edison State Community College	\$	373,982	32083
Jefferson Community College	\$	874,547	32084
Lakeland Community College	\$	2,529,285	32085
Lorain County Community College	\$	3,572,633	32086
Northwest State Community College	\$	848,720	32087
Owens Community College	\$	4,449,028	32088
Terra State Community College	\$	3,250,000	32089
Central Ohio Technical College	\$	907,644	32090
Hocking Technical College	\$	1,700,226	32091
James Rhodes State Technical College	\$	919,365	32092
Marion Technical College	\$	576,136	32093
Zane State College	\$	701,703	32094
North Central Technical College	\$	435,000	32095
Stark Technical College	\$	1,844,168	32096

Institutions not listed above do not have a debt service obligation as a result of these appropriations. 32097
32098

Within sixty days after the effective date of this section, 32099
any institution of higher education may notify the Board of 32100
Regents of its intention not to proceed with any project 32101
appropriated in this act. Upon receiving such a notification, the 32102
Board of Regents may release the institution from its debt service 32103
obligation for the specific project. 32104

Section 233.60.20. For all of the foregoing appropriation 32105
items from the Higher Education Improvement Fund (Fund 7034) that 32106
require local funds to be contributed by any state-supported or 32107
state-assisted institution of higher education, the Board of 32108
Regents shall not recommend that any funds be released until the 32109
recipient institution demonstrates to the Board of Regents and the 32110

Office of Budget and Management that the local funds contribution 32111
requirement has been secured or satisfied. The local funds are in 32112
addition to the foregoing appropriations. 32113

Section 233.60.30. The Ohio Public Facilities Commission is 32114
hereby authorized to issue and sell, in accordance with Section 2n 32115
of Article VIII, Ohio Constitution, and Chapter 151. and 32116
particularly sections 151.01 and 151.04 of the Revised Code, 32117
original obligations in an aggregate principal amount not to 32118
exceed \$606,000,000, in addition to the original issuance of 32119
obligations heretofore authorized by prior acts of the General 32120
Assembly. These authorized obligations shall be issued, subject to 32121
applicable constitutional and statutory limitations, to pay costs 32122
of capital facilities as defined in sections 151.01 and 151.04 of 32123
the Revised Code for state-supported and state-assisted 32124
institutions of higher education. 32125

Section 233.60.40. None of the foregoing capital improvements 32126
appropriations for state-supported or state-assisted institutions 32127
of higher education shall be expended until the particular 32128
appropriation has been recommended for release by the Board of 32129
Regents and released by the Director of Budget and Management or 32130
the Controlling Board. Either the institution concerned, or the 32131
Board of Regents with the concurrence of the institution 32132
concerned, may initiate the request to the Director of Budget and 32133
Management or the Controlling Board for the release of the 32134
particular appropriations. 32135

Section 233.60.50. (A) No capital improvement appropriations 32136
made in sections of this act prefixed with the section number 32137
"233" shall be released for planning or for improvement, 32138
renovation, construction, or acquisition of capital facilities if 32139
the institution of higher education or the state does not own the 32140

real property on which the capital facilities are or will be 32141
located. This restriction does not apply in any of the following 32142
circumstances: 32143

(1) The institution has a long-term (at least fifteen years) 32144
lease of, or other interest (such as an easement) in, the real 32145
property. 32146

(2) The Board of Regents certifies to the Controlling Board 32147
that undue delay will occur if planning does not proceed while the 32148
property or property interest acquisition process continues. In 32149
this case, funds may be released upon approval of the Controlling 32150
Board to pay for planning through the development of schematic 32151
drawings only. 32152

(3) In the case of an appropriation for capital facilities 32153
that, because of their unique nature or location, will be owned or 32154
will be part of facilities owned by a separate nonprofit 32155
organization or public body and will be made available to the 32156
institution of higher education for its use, the nonprofit 32157
organization or public body either owns or has a long-term (at 32158
least fifteen years) lease of the real property or other capital 32159
facility to be improved, renovated, constructed, or acquired and 32160
has entered into a joint or cooperative use agreement with the 32161
institution of higher education that meets the requirements of 32162
division (C) of this section. 32163

(B) Any foregoing appropriations that require cooperation 32164
between a technical college and a branch campus of a university 32165
may be released by the Controlling Board upon recommendation by 32166
the Board of Regents that the facilities proposed by the 32167
institutions are: 32168

(1) The result of a joint planning effort by the university 32169
and the technical college, satisfactory to the Board of Regents; 32170

(2) Facilities that will meet the needs of the region in	32171
terms of technical and general education, taking into	32172
consideration the totality of facilities that will be available	32173
after the completion of the projects;	32174
(3) Planned to permit maximum joint use by the university and	32175
technical college of the totality of facilities that will be	32176
available upon their completion; and	32177
(4) To be located on or adjacent to the branch campus of the	32178
university.	32179
(C) The Board of Regents shall adopt rules regarding the	32180
release of moneys from all the foregoing appropriations for	32181
capital facilities for all state-supported or state-assisted	32182
institutions of higher education. In the case of capital	32183
facilities referred to in division (A)(3) of this section, the	32184
joint or cooperative use agreements shall include, as a minimum,	32185
provisions that:	32186
(1) Specify the extent and nature of that joint or	32187
cooperative use, extending for not fewer than fifteen years, with	32188
the value of such use or right to use to be, as is determined by	32189
the parties and approved by the Board of Regents, reasonably	32190
related to the amount of the appropriations;	32191
(2) Provide for pro rata reimbursement to the state should	32192
the arrangement for joint or cooperative use be terminated;	32193
(3) Provide that procedures to be followed during the capital	32194
improvement process will comply with appropriate applicable state	32195
statutes and rules, including the provisions of this act; and	32196
(4) Provide for payment or reimbursement to the institution	32197
of its administrative costs incurred as a result of the facilities	32198
project, not to exceed 1.5 per cent of the appropriated amount.	32199
(D) Upon the recommendation of the Board of Regents, the	32200

Controlling Board may approve the transfer of appropriations for 32201
projects requiring cooperation between institutions from one 32202
institution to another institution with the approval of both 32203
institutions. 32204

(E) Notwithstanding section 127.14 of the Revised Code, the 32205
Controlling Board, upon the recommendation of the Board of 32206
Regents, may transfer amounts appropriated to the Board of Regents 32207
to accounts of state-supported or state-assisted institutions 32208
created for that same purpose. 32209

Section 233.60.60. The requirements of Chapters 123. and 153. 32210
of the Revised Code, with respect to the powers and duties of the 32211
Director of Administrative Services, and the requirements of 32212
section 127.16 of the Revised Code, with respect to the 32213
Controlling Board, do not apply to projects of community college 32214
districts, which include Cuyahoga Community College, Jefferson 32215
Community College, Lakeland Community College, Lorain Community 32216
College, Rio Grande Community College, and Sinclair Community 32217
College; and technical college districts, which include Belmont 32218
Technical College, Central Ohio Technical College, Hocking 32219
Technical College, James Rhodes State College, Marion Technical 32220
College, Zane State College, North Central Technical College, and 32221
Stark Technical College. 32222

Section 233.60.70. Those institutions locally administering 32223
capital improvement projects pursuant to section 3345.50 of the 32224
Revised Code may: 32225

(A) Establish charges for recovering costs directly related 32226
to project administration as defined by the Director of 32227
Administrative Services. The Department of Administrative Services 32228
shall review and approve these administrative charges when the 32229
charges are in excess of 1.5 per cent of the total construction 32230

budget. 32231

(B) Seek reimbursement from state capital appropriations to 32232
 the institution for the in-house design services performed by the 32233
 institution for the capital projects. Acceptable charges are 32234
 limited to design document preparation work that is done by the 32235
 institution. These reimbursable design costs shall be shown as 32236
 "A/E fees" within the project's budget that is submitted to the 32237
 Controlling Board or the Director of Budget and Management as part 32238
 of a request for release of funds. The reimbursement for in-house 32239
 design shall not exceed seven per cent of the estimated 32240
 construction cost. 32241

Section 235.10. The items set forth in this section are 32242
 hereby appropriated out of any moneys in the state treasury to the 32243
 credit of the Parks and Recreation Improvement Fund (Fund 7035) 32244
 that are not otherwise appropriated. 32245

Appropriations

	DNR DEPARTMENT OF NATURAL RESOURCES		32246
C725A0	State Parks, Campgrounds, Cabins, & Lodges	\$ 5,150,000	32247
C725A9	Park Boating Facilities - Shawnee Marina	\$ 1,000,000	32248
C725B8	Upgrade Underground Fuel Storage Tanks - Statewide	\$ 250,000	32249
C725E2	Local Parks Projects	\$ 25,527,333	32250
C725E6	Project Planning	\$ 500,000	32251
C725L8	Statewide Trails Program - Hocking Hills Trails Rehabilitation Phase II	\$ 1,000,000	32252
C725M5	Middle Bass Island State Park - Marina	\$ 4,000,000	32253
C725N0	Handicapped Accessibility - Statewide	\$ 100,000	32254
C725N4	Hazardous Waste/Asbestos Abatement - Statewide	\$ 150,000	32255
C725N6	Statewide Wastewater/Water Systems	\$ 3,000,000	32256

	Upgrade		
C725R3	State Park Renovations/Upgrading -	\$ 1,000,000	32257
	Statewide Beach Bath House Replacement		
	Total Department of Natural Resources	\$ 41,677,333	32258
	TOTAL Parks and Recreation Improvement Fund	\$ 41,677,333	32259
	FEDERAL REIMBURSEMENT		32260
	All reimbursements received from the federal government for		32261
	any expenditures made pursuant to this section shall be deposited		32262
	in the state treasury to the credit of the Parks and Recreation		32263
	Improvement Fund (Fund 7035).		32264
	LOCAL PARKS PROJECTS		32265
	Of the foregoing appropriation item C725E2, Local Parks		32266
	Projects, an amount equal to two per cent of the projects listed		32267
	may be used by the Department of Natural Resources for the		32268
	administration of local projects, \$3,050,000 shall be used for the		32269
	Scioto Mile Development, \$2,000,000 shall be used for the		32270
	Riverfront Park, \$2,000,000 shall be used for the Goodyear Park,		32271
	\$1,090,000 shall be used for the Sterling Park, \$1,000,000 shall		32272
	be used for the Little Miami Trail extension - Hamilton County		32273
	Park District, \$675,000 shall be used for the Anthony Wayne Youth		32274
	Foundation Recreation area, \$100,000 shall be used for the Euclid		32275
	Beach Pier, \$500,000 shall be used for the Euclid Marina		32276
	Breakwater Project, \$500,000 shall be used for the Columbus Crew		32277
	Facility - Hilliard, \$500,000 shall be used for the Franklin Park		32278
	Conservatory, \$500,000 shall be used for the Colerain Township		32279
	Park, \$500,000 shall be used for the Green Township Legacy Place		32280
	Park, \$475,000 shall be used for the Dublin Emerald Fields Special		32281
	Needs Playground, \$450,000 shall be used for the Sippo Lake Park		32282
	improvements, \$400,000 shall be used for the Mentor Beach Park or		32283
	Mentor Lagoons Marina, \$400,000 shall be used for the Harrison		32284
	Park - Wick District - Smoky, \$400,000 shall be used for the Wayne		32285
	County Rails to Trails Project, \$350,000 shall be used by Franklin		32286

County Metro Parks for the Whittier Peninsula Park, \$350,000 shall 32287
be used for the Perry Township Park, \$333,333 shall be used for 32288
the East Bank of the Flats, \$175,000 shall be used for the New 32289
Richmond Park, \$300,000 shall be used for the Beavercreek Wildlife 32290
Education Center, \$300,000 shall be used for the Versailles Park 32291
Project, \$300,000 shall be used for the Madison Township Park, 32292
\$284,000 shall be used for the Bike and Pedestrian Path - 32293
SugarTree Corridor, \$275,000 shall be used for the Montville 32294
Township Park Project, \$250,000 shall be used for the Grand Lake 32295
St. Mary's Shoreline Rip Rap Project, \$250,000 shall be used for 32296
the West Chester Beckett Park Improvements, \$250,000 shall be used 32297
for the City of Strongsville Family Aquatic Center, \$250,000 shall 32298
be used for the Reis Park improvements, \$250,000 shall be used for 32299
the McIntyre Park Hiking and Biking Trails, \$250,000 shall be used 32300
for the Circleville Community Park Project, \$250,000 shall be used 32301
for the Fremont Area Foundation Park athletic facilities, \$250,000 32302
shall be used for the Alliance Park, \$250,000 shall be used for 32303
the Audobon Ohio Nature Center, \$200,000 shall be used for the 32304
Maple Heights Pool/Park improvements, \$200,000 shall be used for 32305
the Lancaster Community Parks revitalization, \$200,000 shall be 32306
used for the Grandview Yard Public Park, \$200,000 shall be used 32307
for the Wyoming City Regional Park, \$200,000 shall be used for the 32308
Chagrin River Lakefront Park, \$200,000 shall be used for the 32309
Aullwood Audobon Center, \$400,000 shall be used for the Austin 32310
Pike Project - land acquisition, \$200,000 shall be used for the 32311
Mary Virginia Crites Hammum Community Park, \$200,000 shall be used 32312
for the Canton Spray Park, \$150,000 shall be used for the Lima 32313
Historic Athletic Field, \$150,000 shall be used for the Myers 32314
Memorial Bandshell, \$150,000 shall be used for the City of Logan 32315
Park/Pool improvements, \$150,000 shall be used for the Houston 32316
Fisher Memorial Park improvements, \$150,000 shall be used for the 32317
Indian Lake State Park Campground Electrical Improvements, 32318
\$150,000 shall be used for the Avon Lake Veterans Park 32319

improvements, \$125,000 shall be used for the York Township Park	32320
land acquisition, \$124,500 shall be used for the Salt Fork	32321
Concession Stand, \$100,000 shall be used for the Monroe Veterans'	32322
Memorial Park, \$100,000 shall be used for the Rivers Edge Bikeway,	32323
\$100,000 shall be used for the Mayfield Heights Park Facility	32324
improvement, \$100,000 shall be used for the Auburn Township	32325
Community Park, \$100,000 shall be used for the Kidron Community	32326
Park Improvements, \$100,000 shall be used for the Lucas County	32327
Marina, \$100,000 shall be used for the Youngstown City Park,	32328
\$100,000 shall be used for the Salisbury Township Park	32329
improvements/land acquisition, \$100,000 shall be used for the	32330
Community Built Playground, \$100,000 shall be used for the Burkes	32331
Point Park, \$100,000 shall be used for the Barberton Newton Park,	32332
\$100,000 shall be used for the Crown Point Conservation Easement,	32333
\$100,000 shall be used for the Mudbrook Trail and Greenway	32334
Project, \$100,000 shall be used for the Waddell Park in the City	32335
of Niles, \$100,000 shall be used for the Moonville Rail Trail	32336
Project, \$100,000 shall be used for the Springboro Park	32337
improvements, \$75,000 shall be used for the Ault Park	32338
improvements, \$75,000 shall be used for the Willard Soccer and	32339
Football Park Project, \$75,000 shall be used for the Austintown	32340
Nature Rooms, \$75,000 shall be used for the Meigs Local Enrichment	32341
Project Multi-Purpose Complex, \$75,000 shall be used for the	32342
Miracle League facility - Muskingum County, \$70,000 shall be used	32343
for the City of Nelsonville Park/land acquisition, \$65,000 shall	32344
be used for the Village of Jacksonville Park improvements, \$58,500	32345
shall be used by the Greene County Parks and Recreation Department	32346
for Greene County Park improvements, \$50,000 shall be used for the	32347
Ohio Wildlife Center, \$50,000 shall be used for the Kelley's	32348
Island Park Restroom PHASE II, \$50,000 shall be used for the	32349
Little League Challenger Field - Cambridge, \$50,000 shall be used	32350
for the Avon Isle Park improvements, \$50,000 shall be used for the	32351
Monroe Township, Clermont County Fair Oak Park, \$46,000 shall be	32352

used for the Huntington Township Park Projects, \$35,000 shall be 32353
used for the Village of Buchtel Park improvements, \$35,000 shall 32354
be used for the Village of Syracuse Park improvements, \$30,000 32355
shall be used for the Village of Albany Park improvements, \$30,000 32356
shall be used for the Village of Aberdeen Boat Dock, \$30,000 shall 32357
be used for the Village of Hamler Parks improvement, \$25,000 shall 32358
be used for the Coshocton Children's Park, \$25,000 shall be used 32359
for the Alt Park improvements, \$25,000 shall be used for the 32360
Cambridge Handicapped Playground, \$25,000 shall be used for the 32361
Murray City Community Parks improvement, \$25,000 shall be used for 32362
the Marblehead Lighthouse State Park - Replica Life Boat Station, 32363
\$25,000 shall be used for the Village of Attica Park Maintenance, 32364
\$20,000 shall be used for the Village of Stockport Park 32365
improvements, \$15,000 shall be used for the Village of Salineville 32366
Baseball Field, \$15,000 shall be used for the City of Parma 32367
Heights Greenbriar Commons Park Walking Trail, \$10,000 shall be 32368
used for the Village of Albany Bike Paths, \$10,000 shall be used 32369
for the Salem Park Board, \$10,000 shall be used for the Village of 32370
Pomeroy Mini Park improvements, \$10,000 shall be used for the 32371
Skyvue Outdoor Classroom, and \$6,000 shall be used for the 32372
Wadsworth Skate Park. 32373
32374

Section 235.11. For the appropriations in Section 235.10 of 32375
this act, the Department of Natural Resources shall periodically 32376
prepare and submit to the Director of Budget and Management the 32377
estimated design, planning, and engineering costs of 32378
capital-related work to be done by the Department for each 32379
project. Based on the estimates, the Director of Budget and 32380
Management may release appropriations from the foregoing 32381
appropriation item C725E6, Project Planning, within the Parks and 32382
Recreation Improvement Fund (Fund 7035), to pay for design, 32383
planning, and engineering costs incurred by the Department for the 32384

projects. Upon release of the appropriations by the Director of 32385
Budget and Management, the Department shall pay for these expenses 32386
from the Parks Capital Expenses Fund (Fund 2270), and shall be 32387
reimbursed from the Parks and Recreation Improvement Fund (Fund 32388
7035) using an intrastate voucher. 32389

Section 235.12. The Treasurer of State is hereby authorized 32390
to issue and sell, in accordance with Section 2i of Article VIII, 32391
Ohio Constitution, and Chapter 154. of the Revised Code, 32392
particularly section 154.22 of the Revised Code, original 32393
obligations in an aggregate principal amount not to exceed 32394
\$41,000,000, in addition to the original issuance of obligations 32395
heretofore authorized by prior acts of the General Assembly. These 32396
authorized obligations shall be issued, subject to applicable 32397
constitutional and statutory limitations, to pay the costs of 32398
capital facilities for parks and recreation as defined in section 32399
154.01 of the Revised Code. 32400

Section 235.13. (A) No capital improvement appropriations 32401
made in Section 235.10 of this act shall be released for planning 32402
or for improvement, renovation, or construction or acquisition of 32403
capital facilities if a governmental agency, as defined in section 32404
154.01 of the Revised Code, does not own the real property that 32405
constitutes the capital facilities or on which the capital 32406
facilities are or will be located. This restriction does not apply 32407
in any of the following circumstances: 32408

(1) The governmental agency has a long-term (at least fifteen 32409
years) lease of, or other interest (such as an easement) in, the 32410
real property. 32411

(2) In the case of an appropriation for capital facilities 32412
for parks and recreation that, because of their unique nature or 32413
location, will be owned or be part of facilities owned by a 32414

separate nonprofit organization and made available to the 32415
governmental agency for its use or operated by the nonprofit 32416
organization under contract with the governmental agency, the 32417
nonprofit organization either owns or has a long-term (at least 32418
fifteen years) lease of the real property or other capital 32419
facility to be improved, renovated, constructed, or acquired and 32420
has entered into a joint or cooperative use agreement, approved by 32421
the Department of Natural Resources, with the governmental agency 32422
for that agency's use of and right to use the capital facilities 32423
to be financed and, if applicable, improved, the value of such use 32424
or right to use being, as determined by the parties, reasonably 32425
related to the amount of the appropriation. 32426

(B) In the case of capital facilities referred to in division 32427
(A)(2) of this section, the joint or cooperative use agreement 32428
shall include, as a minimum, provisions that: 32429

(1) Specify the extent and nature of that joint or 32430
cooperative use, extending for not fewer than fifteen years, with 32431
the value of such use or right to use to be, as determined by the 32432
parties and approved by the approving department, reasonably 32433
related to the amount of the appropriation; 32434

(2) Provide for pro rata reimbursement to the state should 32435
the arrangement for joint or cooperative use by a governmental 32436
agency be terminated; and 32437

(3) Provide that procedures to be followed during the capital 32438
improvement process will comply with appropriate applicable state 32439
statutes and rules, including the provisions of this act. 32440

Section 237.10. The items set forth in this section are 32441
hereby appropriated out of any moneys in the state treasury to the 32442
credit of the State Capital Improvements Fund (Fund 7038) that are 32443
not otherwise appropriated. 32444

		Appropriations	
	PWC PUBLIC WORKS COMMISSION		32445
C15000	Local Public Infrastructure	\$ 120,000,000	32446
	Total Public Works Commission	\$ 120,000,000	32447
	TOTAL State Capital Improvements Fund	\$ 120,000,000	32448

The foregoing appropriation item C15000, Local Public Infrastructure, shall be used in accordance with sections 164.01 to 164.12 of the Revised Code. The Director of the Public Works Commission may certify to the Director of Budget and Management that a need exists to appropriate investment earnings to be used in accordance with sections 164.01 to 164.12 of the Revised Code. If the Director of Budget and Management determines pursuant to division (D) of section 164.08 and section 164.12 of the Revised Code that investment earnings are available to support additional appropriations, such amounts are hereby appropriated.

If the Public Works Commission receives refunds due to project overpayments that are discovered during a post-project audit, the Director of the Public Works Commission may certify to the Director of Budget and Management that refunds have been received. In certifying the refunds, the Director of the Public Works Commission shall provide the Director of Budget and Management information on the project refunds. The certification shall detail by project the source and amount of project overpayments received and include any supporting documentation required or requested by the Director of Budget and Management. Upon receipt of the certification, the Director of Budget and Management shall determine if the project refunds are necessary to support existing appropriations. If the project refunds are available to support additional appropriations, these amounts are hereby appropriated to appropriation item C15030, Revolving Loan.

Section 237.11. The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2p

of Article VIII, Ohio Constitution, and sections 151.01 and 151.08 32476
of the Revised Code, original obligations of the state, in an 32477
aggregate principal amount not to exceed \$120,000,000, in addition 32478
to the original obligations heretofore authorized by prior acts of 32479
the General Assembly. These authorized obligations shall be issued 32480
and sold from time to time and in amounts necessary to ensure 32481
sufficient moneys to the credit of the State Capital Improvements 32482
Fund (Fund 7038) to pay costs of capital improvement projects of 32483
local subdivisions. 32484

Section 239.10. The items set forth in this section are 32485
hereby appropriated out of any moneys in the state treasury to the 32486
credit of the Clean Ohio Conservation Fund (Fund 7056) that are 32487
not otherwise appropriated. 32488

Appropriations

	PWC PUBLIC WORKS COMMISSION		32489
C15060	Clean Ohio Conservation	\$ 30,000,000	32490
	Total Public Works Commission	\$ 30,000,000	32491
	TOTAL Clean Ohio Conservation Fund	\$ 30,000,000	32492

The foregoing appropriation item C15060, Clean Ohio 32493
Conservation, shall be used in accordance with sections 164.20 to 32494
164.27 of the Revised Code. If the Public Works Commission 32495
receives refunds due to project overpayments that are discovered 32496
during the post-project audit, the Director of the Public Works 32497
Commission may certify to the Director of Budget and Management 32498
that refunds have been received. If the Director of Budget and 32499
Management determines that the project refunds are available to 32500
support additional appropriations, such amounts are hereby 32501
appropriated. 32502

Section 241.10. The items set forth in this section are 32503
hereby appropriated out of any moneys in the state treasury to the 32504

credit of the Clean Ohio Agricultural Easement Fund (Fund 7057) 32505
 that are not otherwise appropriated. 32506

Appropriations

AGR DEPARTMENT OF AGRICULTURE			32507
C70009	Clean Ohio Agricultural Easements	\$ 5,000,000	32508
Total Department of Agriculture		\$ 5,000,000	32509
TOTAL Clean Ohio Agricultural Easement Fund		\$ 5,000,000	32510

Section 243.10. The items set forth in this section are 32512
 hereby appropriated out of any moneys in the state treasury to the 32513
 credit of the Clean Ohio Trail Fund (Fund 7061) that are not 32514
 otherwise appropriated. 32515

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES			32516
C72514	Clean Ohio Trail - Grants	\$ 5,000,000	32517
Total Department of Natural Resources		\$ 5,000,000	32518
TOTAL Clean Ohio Trail Fund		\$ 5,000,000	32519

Section 243.11. The Ohio Public Facilities Commission is 32521
 hereby authorized to issue and sell, in accordance with Section 2o 32522
 of Article VIII, Ohio Constitution, and pursuant to sections 32523
 151.01 and 151.09 of the Revised Code, original obligations of the 32524
 state in an aggregate principal amount not to exceed \$40,000,000 32525
 in addition to the original issuance of obligations heretofore 32526
 authorized by prior acts of the General Assembly. These authorized 32527
 obligations shall be issued and sold from time to time, subject to 32528
 applicable constitutional and statutory limitations, as needed to 32529
 ensure sufficient moneys to the credit of the Clean Ohio 32530
 Conservation Fund (Fund 7056), the Clean Ohio Agricultural 32531
 Easement Fund (Fund 7057), and the Clean Ohio Trail Fund (Fund 32532
 7061) to pay costs of conservation projects. 32533

Section 245.10. Notwithstanding any provision of law to the 32534

contrary, the Director of Budget and Management, with the written 32535
concurrence of the Director of Public Safety, may transfer cash 32536
temporarily from the Highway Safety Fund (Fund 7036) to the 32537
Highway Safety Building Fund (Fund 7025), and the cash may be used 32538
to fund projects previously appropriated by acts of the General 32539
Assembly. The transfers shall be made for the purpose of providing 32540
cash to support appropriations or encumbrances that exist on the 32541
effective date of this section. At such time as obligations are 32542
issued for Highway Safety Building Fund projects, the Director of 32543
Budget and Management shall transfer from the Highway Safety 32544
Building Fund to the Highway Safety Fund any amounts originally 32545
transferred to the Highway Safety Building Fund under this 32546
section. 32547

Section 247.10. CERTIFICATION OF AVAILABILITY OF MONEYS 32548

Moneys that require release shall not be expended from any 32549
appropriation contained in this act without certification of the 32550
Director of Budget and Management that there are sufficient moneys 32551
in the state treasury in the fund from which the appropriation is 32552
made. Such certification shall be based on estimates of revenue, 32553
receipts, and expenses. Nothing in this section limits the 32554
authority granted to the Director of Budget and Management in 32555
section 126.07 of the Revised Code. 32556

Section 249.10. LIMITATION ON USE OF CAPITAL APPROPRIATIONS 32557

The appropriations made in this act, excluding those made to 32558
the State Capital Improvement Fund (Fund 7038) and the State 32559
Capital Improvements Revolving Loan Fund (Fund 7040) for buildings 32560
or structures, including remodeling and renovations, are limited 32561
to: 32562

(A) Acquisition of real property or interests in real 32563
property; 32564

(B) Buildings and structures, which include construction, 32565
demolition, complete heating, lighting and lighting fixtures, all 32566
necessary utilities, and ventilating, plumbing, sprinkling, and 32567
sewer systems, when such systems are authorized or necessary; 32568

(C) Architectural, engineering, and professional services 32569
expenses directly related to the projects; 32570

(D) Machinery that is a part of structures at the time of 32571
initial acquisition or construction; 32572

(E) Acquisition, development, and deployment of new computer 32573
systems, including the redevelopment or integration of existing 32574
and new computer systems, but excluding regular or ongoing 32575
maintenance or support agreements; 32576

(F) Equipment that meets all the following criteria: 32577

(1) The equipment is essential in bringing the facility up to 32578
its intended use; 32579

(2) The unit cost of the equipment, and not the individual 32580
parts of a unit, is about \$100 or more; 32581

(3) The equipment has a useful life of five years or more; 32582
and 32583

(4) The equipment is necessary for the functioning of the 32584
particular facility or project. 32585

Equipment shall not be paid for from these appropriations 32586
that is not an integral part of or directly related to the basic 32587
purpose or function of a project for which moneys are 32588
appropriated. This paragraph does not apply to appropriation items 32589
specifically for equipment. 32590

Section 251.10. CONTINGENCY RESERVE REQUIREMENT 32591

Any request for release of capital appropriations by the 32592
Director of Budget and Management or the Controlling Board of 32593

capital appropriations for projects, the contracts for which are 32594
awarded by the Department of Administrative Services, shall 32595
contain a contingency reserve, the amount of which shall be 32596
determined by the Department of Administrative Services, for 32597
payment of unanticipated project expenses. Any amount deducted 32598
from the encumbrance for a contractor's contract as an assessment 32599
for liquidated damages shall be added to the encumbrance for the 32600
contingency reserve. Contingency reserve funds shall be used to 32601
pay costs resulting from unanticipated job conditions, to comply 32602
with rulings regarding building and other codes, to pay costs 32603
related to errors or omissions in contract documents, to pay costs 32604
associated with changes in the scope of work, and to pay the cost 32605
of settlements and judgments related to the project. 32606

Any funds remaining upon completion of a project may, upon 32607
approval of the Controlling Board, be released for the use of the 32608
agency or instrumentality to which the appropriation was made for 32609
other capital facilities projects. 32610

Section 253.10. AGENCY ADMINISTRATION OF CAPITAL FACILITIES 32611
PROJECTS 32612

Notwithstanding sections 123.01 and 123.15 of the Revised 32613
Code, the Director of Administrative Services may authorize the 32614
Departments of Mental Health, Mental Retardation and Developmental 32615
Disabilities, Agriculture, Job and Family Services, Rehabilitation 32616
and Correction, Youth Services, Public Safety, Transportation, and 32617
the Ohio Veterans' Home to administer any capital facilities 32618
projects, the estimated cost of which, including design fees, 32619
construction, equipment, and contingency amounts, is less than 32620
\$1,500,000. Requests for authorization to administer capital 32621
facilities projects shall be made in writing to the Director of 32622
Administrative Services by the applicable state agency within 32623
sixty days after the effective date of the section of law in which 32624

the General Assembly initially makes an appropriation for the 32625
project. Upon the release of funds for the projects by the 32626
Controlling Board or the Director of Budget and Management, the 32627
agency may administer the capital project or projects for which 32628
agency administration has been authorized without the supervision, 32629
control, or approval of the Director of Administrative Services. 32630

A state agency authorized by the Director of Administrative 32631
Services to administer capital facilities projects pursuant to 32632
this section shall comply with the applicable procedures and 32633
guidelines established in Chapter 153. of the Revised Code. 32634

Section 255.10. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 32635
AGAINST THE STATE 32636

Except as otherwise provided in this section, an 32637
appropriation contained in this act or in any other act may be 32638
used for the purpose of satisfying judgments, settlements, or 32639
administrative awards ordered or approved by the Court of Claims 32640
or by any other court of competent jurisdiction in connection with 32641
civil actions against the state. This authorization does not apply 32642
to appropriations that are to be applied to or used for payment of 32643
guarantees by or on behalf of the state, or for payments under 32644
lease agreements relating to or debt service on bonds, notes, or 32645
other obligations of the state. Notwithstanding any other section 32646
of law to the contrary, this authorization includes appropriations 32647
from funds into which proceeds or direct obligations of the state 32648
are deposited only to the extent that the judgment, settlement, or 32649
administrative award is for or represents capital costs for which 32650
the appropriation may otherwise be used and is consistent with the 32651
purpose for which any related obligations were issued or entered 32652
into. Nothing contained in this section is intended to subject the 32653
state to suit in any forum in which it is not otherwise subject to 32654
suit, and it is not intended to waive or compromise any defense or 32655

right available to the state in any suit against it. 32656

Section 257.10. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET 32657
AND MANAGEMENT 32658

Notwithstanding section 126.14 of the Revised Code, 32659
appropriations for appropriation item C50101, Community-Based 32660
Correctional Facilities, appropriated from the Adult Correctional 32661
Building Fund (Fund 7027) to the Department of Rehabilitation and 32662
Correction, shall be released upon the written approval of the 32663
Director of Budget and Management. The appropriations from the 32664
Public School Building Fund (Fund 7021) and the School Building 32665
Program Assistance Fund (Fund 7032) to the School Facilities 32666
Commission, from the Clean Ohio Conservation Fund (Fund 7056), the 32667
State Capital Improvement Fund (Fund 7038), and the State Capital 32668
Improvements Revolving Loan Fund (Fund 7040) to the Public Works 32669
Commission, shall be released upon presentation of a request to 32670
release the funds, by the agency to which the appropriation has 32671
been made, to the Director of Budget and Management. 32672

Section 259.10. PREVAILING WAGE REQUIREMENT 32673

Except as provided in section 4115.04 of the Revised Code, 32674
moneys appropriated or reappropriated by the 127th General 32675
Assembly shall not be used for the construction of public 32676
improvements, as defined in section 4115.03 of the Revised Code, 32677
unless the mechanics, laborers, or workers engaged therein are 32678
paid the prevailing rate of wages prescribed in section 4115.04 of 32679
the Revised Code. Nothing in this section affects the wages and 32680
salaries established for state employees under Chapter 124. of the 32681
Revised Code, or collective bargaining agreements entered into by 32682
the state under Chapter 4117. of the Revised Code, while engaged 32683
on force account work, nor does this section interfere with the 32684
use of inmate and patient labor by the state. 32685

Section 261.10. CAPITAL FACILITIES LEASES 32686

Capital facilities for which appropriations are made from the 32687
Highway Safety Building Fund (Fund 7025), the Administrative 32688
Building Fund (Fund 7026), the Adult Correctional Building Fund 32689
(Fund 7027), and the Juvenile Correctional Building Fund (Fund 32690
7028) may be leased by the Ohio Building Authority to the 32691
Department of Public Safety, the Department of Youth Services, the 32692
Department of Administrative Services, and the Department of 32693
Rehabilitation and Correction, and other agreements may be made by 32694
the Ohio Building Authority and the departments with respect to 32695
the use or purchase of such capital facilities, or, subject to the 32696
approval of the director of the department or the commission, the 32697
Ohio Building Authority may lease the capital facilities to, and 32698
make other agreements with respect to the use or purchase of the 32699
capital facilities with, any governmental agency or nonprofit 32700
corporation having authority under law to own, lease, or operate 32701
the capital facilities. The director of the department or the 32702
commission may sublease the capital facilities to, and make other 32703
agreements with respect to the use or purchase of the capital 32704
facilities with, any such governmental agency or nonprofit 32705
corporation, which agreements may include provisions for 32706
transmittal of receipts of the agency or nonprofit corporation of 32707
any charges for the use of the facilities, all upon such terms and 32708
conditions as the parties may agree upon and subject to any other 32709
provision of law affecting the leasing, acquisition, or 32710
disposition of capital facilities by the parties. 32711

Section 263.10. AUTHORIZATION OF THE DIRECTOR OF BUDGET AND 32712
MANAGEMENT 32713

The Director of Budget and Management shall authorize both of 32714
the following: 32715

(A) The initial release of moneys for projects from the funds 32716
into which proceeds of direct obligations of the state are 32717
deposited; and 32718

(B) The expenditure or encumbrance of moneys from funds into 32719
which proceeds of direct obligations are deposited, but only after 32720
determining to the director's satisfaction that either of the 32721
following applies: 32722

(1) The application of the moneys to the particular project 32723
will not negatively affect any exemption or exclusion from federal 32724
income tax of the interest or interest equivalent on obligations 32725
issued to provide moneys to the particular fund. 32726

(2) Moneys for the project will come from the proceeds of 32727
obligations, the interest on which is not so excluded or exempt 32728
and which have been authorized as "taxable obligations" by the 32729
issuing authority. 32730

The director shall report any nonrelease of moneys pursuant 32731
to this section to the Governor, to the Speaker of the House of 32732
Representatives, to the President of the Senate, and to the agency 32733
for the use of which the project is intended. 32734

Section 265.10. SCHOOL FACILITIES ENCUMBRANCES AND 32735
REAPPROPRIATION 32736

At the request of the Executive Director of the Ohio School 32737
Facilities Commission, the Director of Budget and Management may 32738
cancel encumbrances for school district projects from a previous 32739
biennium if the district has not raised its local share of project 32740
costs within one year after receiving Controlling Board approval 32741
in accordance with section 3318.05 of the Revised Code. The 32742
Executive Director of the Ohio School Facilities Commission shall 32743
certify the amounts of these canceled encumbrances to the Director 32744
of Budget and Management on a quarterly basis. The amounts of the 32745

32746 canceled encumbrances are hereby appropriated.

32747 **Section 267.10.** CERTIFICATE OF NEED REQUIREMENT

32748 An appropriation for a health care facility authorized under
32749 this act may not be released until the requirements of sections
32750 3702.51 to 3702.62 of the Revised Code have been met.

32751 **Section 269.10.** DISTRIBUTION OF PROCEEDS FROM ASBESTOS
32752 ABATEMENT LITIGATION

32753 All proceeds received by the state as a result of litigation,
32754 judgments, settlements, or claims, filed by or on behalf of any
32755 state agency, as defined by section 1.60 of the Revised Code, or
32756 state-supported or state-assisted institution of higher education,
32757 for damages or costs resulting from the use, removal, or hazard
32758 abatement of asbestos materials shall be deposited in the Asbestos
32759 Abatement Distribution Fund (Fund 6740). All funds deposited into
32760 the Asbestos Abatement Distribution Fund are hereby appropriated
32761 to the Attorney General. To the extent practicable, the proceeds
32762 placed in the Asbestos Abatement Distribution Fund shall be
32763 divided among the state agencies and state-supported or
32764 state-assisted institutions of higher education in accordance with
32765 the general provisions of the litigation regarding the percentage
32766 of recovery. Distribution of the proceeds to each state agency or
32767 state-supported or state-assisted institution of higher education
32768 shall be made in accordance with the Asbestos Abatement
32769 Distribution Plan to be developed by the Attorney General, the
32770 General Services Division within the Department of Administrative
32771 Services, and the Office of Budget and Management.

32772 In those circumstances where asbestos litigation proceeds are
32773 for reimbursement of expenditures made with funds outside the
32774 state treasury or damages to buildings not constructed with state
32775 appropriations, direct payments shall be made to the affected

institutions of higher education. Any proceeds received for 32776
reimbursement of expenditures made with funds within the state 32777
treasury or damages to buildings occupied by state agencies shall 32778
be distributed to the affected agencies with an intrastate 32779
transfer voucher to the funds identified in the Asbestos Abatement 32780
Distribution Plan. 32781

These proceeds shall be used for additional asbestos 32782
abatement or encapsulation projects, or for other capital 32783
improvements, except that proceeds distributed to the General 32784
Revenue Fund and other funds that are not bond improvement funds 32785
may be used for any purpose. The Controlling Board may, for bond 32786
improvement funds, create appropriation items or increase 32787
appropriation authority in existing appropriation items equaling 32788
the amount of the proceeds. The amounts approved by the 32789
Controlling Board are hereby appropriated. The proceeds deposited 32790
in bond improvement funds shall not be expended until released by 32791
the Controlling Board, which shall require certification by the 32792
Director of Budget and Management that the proceeds are sufficient 32793
and available to fund the additional anticipated expenditures. 32794

Section 271.10. OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE 32795
REVISED CODE 32796

The capital improvements for which appropriations are made in 32797
this act from the Third Frontier Research and Development Fund 32798
(Fund 7011), the Job Ready Site Development Fund (Fund 7012), the 32799
Ohio Parks and Natural Resources Fund (Fund 7031), the School 32800
Building Program Assistance Fund (Fund 7032), the Higher Education 32801
Improvement Fund (Fund 7034), the State Capital Improvements Fund 32802
(Fund 7038), the Clean Ohio Conservation Fund (Fund 7056), the 32803
Clean Ohio Agricultural Easement Fund (Fund 7057), and the Clean 32804
Ohio Trail Fund (Fund 7061) are determined to be capital 32805
improvements and capital facilities for research and development, 32806

preparation of sites, natural resources, a statewide system of 32807
common schools, state-supported and state-assisted institutions of 32808
higher education, local subdivision capital improvement projects, 32809
and conservation purposes (under the Clean Ohio Program) and are 32810
designated as capital facilities to which proceeds of obligations 32811
issued under Chapter 151. of the Revised Code are to be applied. 32812
32813

Section 273.10. OBLIGATIONS ISSUED UNDER CHAPTER 152. OF THE 32814
REVISED CODE 32815

The capital improvements for which appropriations are made in 32816
this act from the Highway Safety Building Fund (Fund 7025), the 32817
Administrative Building Fund (Fund 7026), the Adult Correctional 32818
Building Fund (Fund 7027), the Juvenile Correctional Building Fund 32819
(Fund 7028), and the Transportation Building Fund (Fund 7029) are 32820
determined to be capital improvements and capital facilities for 32821
housing state agencies and branches of state government and are 32822
designated as capital facilities to which proceeds of obligations 32823
issued under Chapter 152. of the Revised Code are to be applied. 32824

Section 273.20. OBLIGATIONS ISSUED UNDER CHAPTER 154. OF THE 32825
REVISED CODE 32826

The capital improvements for which appropriations are made in 32827
this act from the Cultural and Sports Facilities Building Fund 32828
(Fund 7030), the Mental Health Facilities Improvement Fund (Fund 32829
7033), and the Parks and Recreation Improvement Fund (Fund 7035) 32830
are determined to be capital improvements and capital facilities 32831
for housing state agencies and branches of government, mental 32832
hygiene and retardation, and parks and recreation and are 32833
designated as capital facilities to which proceeds of obligations 32834
issued under Chapter 154. of the Revised Code are to be applied. 32835

Section 275.10. TRANSFER OF OPEN ENCUMBRANCES 32836

Upon the request of the agency to which a capital project 32837
appropriation item is appropriated, the Director of Budget and 32838
Management may transfer open encumbrance amounts between separate 32839
encumbrances for the project appropriation item to the extent that 32840
any reductions in encumbrances are agreed to by the contracting 32841
vendor and the agency. 32842

Section 277.10. LITIGATION PROCEEDS TO THE ADMINISTRATIVE 32843
BUILDING FUND 32844

Any proceeds received by the state as the result of 32845
litigation or a settlement agreement related to any liability for 32846
the planning, design, engineering, construction, or construction 32847
management of facilities operated by the Department of 32848
Administrative Services shall be deposited into the Administrative 32849
Building Fund (Fund 7026). 32850

Section 279.10. COAL RESEARCH AND DEVELOPMENT BONDS 32851

The Ohio Public Facilities Commission, upon the request of 32852
the Director of the Ohio Coal Development Office with the advice 32853
of the Technical Advisory Committee created in section 1551.35 of 32854
the Revised Code and with the approval of the Director of the Air 32855
Quality Development Authority, is hereby authorized to issue and 32856
sell, in accordance with Section 15 of Article VIII, Ohio 32857
Constitution, and Chapter 151. of the Revised Code, and 32858
particularly sections 151.01 and 151.07 and other applicable 32859
sections of the Revised Code, bonds or other obligations of the 32860
state heretofore authorized by prior acts of the General Assembly. 32861
The obligations shall be issued, subject to applicable 32862
constitutional and statutory limitations, to provide sufficient 32863
moneys to the credit of the Coal Research and Development Fund 32864
created in section 1555.15 of the Revised Code to pay costs 32865
charged to the fund when due as estimated by the Director of the 32866

Ohio Coal Development Office. 32867

Section 281.10. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 32868

The Ohio Administrative Knowledge System (OAKS) shall be an 32869
enterprise resource planning system that replaces the state's 32870
central services infrastructure systems, including the Central 32871
Accounting System, the Human Resources/Payroll System, the Capital 32872
Improvements Projects Tracking System, the Fixed Assets Management 32873
System, and the Procurement System. The Department of 32874
Administrative Services, in conjunction with the Office of Budget 32875
and Management, may acquire the system, including, but not limited 32876
to, the enterprise resource planning software and installation and 32877
implementation thereof, pursuant to Chapter 125. of the Revised 32878
Code. Any lease-purchase arrangement utilized under Chapter 125. 32879
of the Revised Code, including any fractionalized interest therein 32880
as defined in division (N) of section 133.01 of the Revised Code, 32881
shall provide at the end of the lease period that OAKS shall 32882
become the property of the state. 32883

Section 283.10. Sections of this act prefixed with a section 32884
number in the 200s are and remain in full force and effect 32885
commencing on July 1, 2008, and terminating on June 30, 2010, for 32886
the purpose of drawing money from the state treasury in payment of 32887
liabilities lawfully incurred under those sections, and on June 32888
30, 2010, and not before, the moneys hereby appropriated lapse 32889
into the funds from which they are severally appropriated. If, 32890
under Section 1c of Article II, Ohio Constitution, the sections of 32891
this act prefixed with a section number in the 200s do not take 32892
effect until after July 1, 2008, the sections are and remain in 32893
full force and effect commencing on that effective date. 32894

32895

Section 503.10. GENERAL OBLIGATIONS ADJUSTMENTS TO REFLECT 32896

TOBACCO SECURITIZATION 32897

In accordance with divisions (A)(5) and (6) of Section 518.03 32898
of H.B. 119 of the 127th General Assembly, the existing 32899
authorizations granted in prior acts of the General Assembly to 32900
issue and sell obligations under Section 2n of Article VIII, Ohio 32901
Constitution, to pay costs of facilities for (1) a system of 32902
common schools throughout the state is hereby reduced from 32903
\$4,145,000,000 to \$3,345,000,000, and (2) state-supported and 32904
state-assisted institutions of higher education is hereby reduced 32905
from \$2,957,000,000 to \$2,007,000,000. 32906

Section 503.20. OHIO DENTIST AND PHYSICIAN LOAN REPAYMENT 32907
PROGRAMS 32908

On July 1, 2008, or as soon as possible thereafter, the 32909
Director of Budget and Management shall cancel any existing 32910
encumbrances against the Board of Regents' appropriation item 32911
235624, Ohio Dental Loan Repayment, and re-establish them against 32912
the Department of Health's appropriation item 440624, Ohio Dental 32913
Loan Repayment. The amounts of the re-established encumbrances are 32914
hereby appropriated. 32915

On July 1, 2008, or as soon as possible thereafter, the 32916
Chancellor of the Board of Regents shall certify to the Director 32917
of Budget and Management the amount of cash and any outstanding 32918
encumbrances for the Dentist and Physician Loan Repayment Programs 32919
remaining in the National Health Services Corps - Ohio Loan 32920
Repayment Fund (Fund 3T00). The Director of Budget and Management 32921
shall transfer this amount in cash from the National Health 32922
Services Corps - Ohio Loan Repayment Fund (Fund 3T00) to the 32923
Federal Public Health Programs Fund (Fund 3920). In addition, the 32924
Director of Budget and Management shall cancel the outstanding 32925
Dentist and Physician Loan Repayment Programs encumbrances in the 32926

National Health Services Corps - Ohio Loan Repayment Fund (Fund 32927
3T00) and re-establish these encumbrances in the Federal Public 32928
Health Programs Fund (Fund 3920). The amounts of the 32929
re-established encumbrances are hereby appropriated. 32930

On and after the effective date of this section, 32931
administration of the Dentist Loan Repayment Program is the 32932
responsibility of the Department of Health. 32933

Section 503.30. OHIO PHYSICIAN LOAN REPAYMENT PROGRAM 32934

On July 1, 2008, the Director of Budget and Management shall 32935
cancel any existing encumbrances against appropriation item 32936
235604, Physician Loan Repayment, and re-establish them against 32937
appropriation item 440628, Ohio Physician Loan Repayment. The 32938
amounts of the re-established encumbrances are hereby 32939
appropriated. 32940

On and after the effective date of this section, 32941
administration of the Physician Loan Repayment Program is the 32942
responsibility of the Department of Health. 32943

Section 515.10. SCHOOL FACILITIES COMMISSION REIMBURSEMENT 32944
FROM PROCEEDS OF TOBACCO SETTLEMENT BONDS 32945

Prior to January 1, 2009, the Executive Director of the Ohio 32946
School Facilities Commission shall report to the Director of 32947
Budget and Management the amount of funds expended between 32948
September 1, 2007, and June 30, 2008, from the Education 32949
Facilities Trust Fund (Fund N087) and from the Public School 32950
Building Fund (Fund 7021) that were eligible to be financed from 32951
the proceeds of the tax-exempt tobacco settlement bonds issued 32952
pursuant to section 183.51 of the Revised Code and were deposited 32953
into the School Building Program Assistance Fund (Fund 7032). Upon 32954
receipt of the report, the Director of Budget and Management may 32955
transfer cash, in the amount reported, from the tobacco settlement 32956

bond proceeds to each of the funds. Appropriations for the funds 32957
are hereby adjusted by the amounts of the cash transfers. 32958

32959

Section 515.20. CORRECTIVE CASH TRANSFER 32960

On the effective date of this section, or as soon as possible 32961
thereafter, the Director of Budget and Management may transfer 32962
\$34,549.45 in cash from the Coal Research and Development Bond 32963
Services Fund (Fund 7076) into the Coal Research and Development 32964
Fund (Fund 7046) to correct deposits that were mistakenly 32965
deposited into the Coal Research and Development Bond Services 32966
Fund (Fund 7076). 32967

Section 515.21. CORRECTIVE CASH TRANSFER 32968

On the effective date of this section, or as soon as possible 32969
thereafter, the Director of Budget and Management may transfer 32970
\$5,538.11 in cash from the Coal Research and Development Fund 32971
(Fund 7046) into the Coal Research and Development Bond Services 32972
Fund (Fund 7076) to correct deposits that were mistakenly 32973
deposited into the Coal Research and Development Fund (Fund 7046). 32974

Section 515.30. TRANSFER FROM THE GENERAL REIMBURSEMENT FUND 32975
TO THE PUBLIC HEALTH PRIORITY TRUST FUND 32976

Notwithstanding any provision of law to the contrary, on July 32977
1, 2008, or as soon as possible thereafter, the Director of Budget 32978
and Management shall transfer \$950,000 cash from the General 32979
Reimbursement Fund (Fund 1060) to the Public Health Priority Trust 32980
Fund (Fund L087). The amount transferred is hereby appropriated to 32981
appropriation item 440-432, Pneumococcal Vaccines for Children, in 32982
the Department of Health. 32983

Section 515.40. BUDGET STABILIZATION FUND TRANSFERS 32984

The Director of Budget and Management has directed the				32985
following agencies to reduce spending in the following General				32986
Revenue Fund appropriation items. Amounts listed in the first				32987
column are the reductions for fiscal year 2008 and amounts listed				32988
in the second column are the reductions for fiscal year 2009.				32989
Department of Agriculture				32990
700-403 Animal Disease	\$	36,540	\$ 182,702	32991
Control				
700-410 Food Safety	\$	8,651	\$ 43,255	32992
Department of Health				32993
440-407 Animal Borne Disease	\$	80,000	\$ 40,000	32994
and Prevention				
440-418 Immunization	\$	80,000	\$ 40,000	32995
Department of Rehabilitation and Correction				32996
503-321 Parole and Community	\$	1,327,100	\$ 5,433,321	32997
Operations				
Department of Education				32998
200-503 Bus Purchase	\$	5,128,138	\$ 676,200	32999
Allowance				
Department of Job and Family Services				33000
600-502 Child Support Match	\$	0	\$ 3,401,410	33001
Rehabilitation Services Commission				33002
415-431 Office of People with	\$	22,601	\$ 22,601	33003
Brain Injury				
Ohio School for the Blind				33004
226-100 Personal Services	\$	354,656	\$ 375,966	33005
Ohio School for the Deaf				33006
221-100 Personal Services	\$	438,768	\$ 463,193	33007
The Director of Budget and Management shall transfer				33008
\$7,476,454 cash in fiscal year 2008 and \$10,678,648 cash in fiscal				33009

year 2009 from the Budget Stabilization Fund to the General 33010
Revenue Fund to ensure the full amounts appropriated in Am. Sub. 33011
H.B. 119 of the 127th General Assembly to each of the foregoing 33012
appropriation items are available to the agencies for expenditure. 33013
33014

Section 515.50. Notwithstanding division (A) of section 33015
169.05 of the Revised Code, on July 1, 2008, or as soon as 33016
possible thereafter, and upon the request of the Director of 33017
Budget and Management, the Director of Commerce shall transfer to 33018
the State Adoption Assistance Loan Fund, which is created in 33019
section 5101.143 of the Revised Code, \$500,000 of unclaimed funds 33020
that have been reported by holders of unclaimed funds under 33021
section 169.05 of the Revised Code, irrespective of the allocation 33022
of the unclaimed funds under that section. The amount transferred 33023
is hereby appropriated. 33024

Notwithstanding division (A) of section 169.05 of the Revised 33025
Code, on July 1, 2009, or as soon as possible thereafter, and upon 33026
the request of the Director of Budget and Management, the Director 33027
of Commerce shall transfer to the State Adoption Assistance Loan 33028
Fund, which is created in section 5101.143 of the Revised Code, 33029
\$500,000 of unclaimed funds that have been reported by holders of 33030
unclaimed funds under section 169.05 of the Revised Code, 33031
irrespective of the allocation of the unclaimed funds under that 33032
section. The amount transferred is hereby appropriated. 33033

The Director of Budget and Management shall establish 33034
accounts indicating the source and amount of funds for each 33035
appropriation made in this act, and shall determine the form and 33036
manner in which appropriation accounts shall be maintained. 33037

Section 515.60. CASH TRANSFER FROM AUTOMATED TITLE PROCESSING 33038
FUND TO TITLE DEFECT RESCISSION FUND 33039

Notwithstanding any other provision of law to the contrary, 33040
on July 1, 2008, or as soon as practicable thereafter, the 33041
Director of Budget and Management shall transfer \$1,000,000 in 33042
cash from the Automated Title Processing Fund (Fund 8490) to the 33043
Title Defect Rescission Fund (Fund 4Y70). 33044

Section 610.10. That Sections 315.10 and 555.19 of Am. Sub. 33045
H.B. 67 of the 127th General Assembly be amended to read as 33046
follows: 33047

Sec. 315.10. OHIO TURNPIKE COMMISSION NOISE MITIGATION PILOT 33048
PROJECT 33049

~~There is hereby created the Community Resolution Fund, which~~ 33050
~~shall be in the custody of the Treasurer of State but shall not be~~ 33051
~~part of the state treasury.~~ Notwithstanding any other provision of 33052
law to the contrary, ~~on the first day of July in each of 2007 and~~ 33053
~~2008, or as soon as practicable thereafter in each of those years,~~ 33054
~~the Treasurer of State shall transfer cash in the amount of~~ 33055
~~\$250,000~~ the Department of Transportation shall enter into an 33056
agreement on a reimbursement basis with the Ohio Turnpike 33057
Commission for up to \$500,000 from the Highway Operating Fund 33058
(Fund 002) ~~to the Community Resolution Fund.~~ ~~The Treasurer of~~ 33059
~~State~~ Under the agreement, the Department of Transportation shall 33060
pay up to \$250,000 from the fund ~~early~~ in fiscal year 2008 and up 33061
to \$250,000 ~~early~~ from the fund in fiscal year 2009 to the Ohio 33062
Turnpike Commission, which shall use the money for the study and 33063
pilot program required by ~~the~~ this section. 33064

The Ohio Turnpike Commission shall perform a study of noise 33065
impact mitigation methods or techniques that may be used as an 33066
alternative to traditional sound barriers on the turnpike project. 33067
The study shall examine the viability of alternative noise impact 33068
mitigation methods or techniques that may be installed to 33069

alleviate traffic noise that is in excess of the criteria 33070
contained in the Ohio Department of Transportation's "Standard 33071
Procedures for the Analysis and Abatement of Highway Traffic 33072
Noise." After completing the study, but before ~~June 30~~ December 33073
31, 2008, the Ohio Turnpike Commission shall commence a pilot 33074
program utilizing one or more alternative noise impact mitigation 33075
methods or techniques examined in the study, and shall submit a 33076
report containing the results of the pilot program and projected 33077
costs of further implementation to the Turnpike Legislative Review 33078
Committee not later than ~~December~~ June 30, 2008 ~~2009~~. ~~After the~~ 33079
~~fiscal year 2009 payment of \$250,000 is made to the Ohio Turnpike~~ 33080
~~Commission, the Community Resolution Fund is abolished, and the~~ 33081
~~Treasurer of State shall transfer any cash balance that remains~~ 33082
~~credited to that fund to the Highway Operating Fund.~~ 33083
33084

Sec. 555.19. In fiscal year 2008, the Department of 33085
Transportation shall expend at least \$400,000 in the township 33086
having the largest ~~geographic area~~ population according to the 33087
most recent federal decennial census for a pilot program involving 33088
the installation and operation of a system of portable signal 33089
preemption devices. Use of the devices in the pilot program shall 33090
be in accordance with section 4511.031 of the Revised Code. The 33091
Department shall consult with appropriate township officials in 33092
implementing the pilot program. 33093

Section 610.11. That existing Sections 315.10 and 555.19 of 33094
Am. Sub. H.B. 67 of the 127th General Assembly are hereby 33095
repealed. 33096

Section 610.20. That Sections 203.10 and 203.50 of Am. Sub. 33097
H.B. 67 of the 127th General Assembly, as amended by Am. Sub. H.B. 33098
119 of the 127th General Assembly, be amended to read as follows: 33099

				33100
	Sec. 203.10.	DOT DEPARTMENT OF TRANSPORTATION		33101
FUND	TITLE	FY 2008	FY 2009	33102
	Transportation Planning and Research			33103
	Highway Operating Fund Group			33104
002 771-411	Planning and Research	\$ 20,724,547	\$ 21,733,301	33105
	- State			
002 771-412	Planning and Research	\$ 29,996,363	\$ 30,264,923	33106
	- Federal			
	TOTAL HOF Highway Operating			33107
	Fund Group	\$ 50,720,910	\$ 51,998,224	33108
	TOTAL ALL BUDGET FUND GROUPS -			33109
	Transportation Planning			33110
	and Research	\$ 50,720,910	\$ 51,998,224	33111
	Highway Construction			33112
	Highway Operating Fund Group			33113
002 772-421	Highway Construction -	\$ 528,722,188	\$ 504,184,419	33114
	State			
002 772-422	Highway Construction -	\$ 1,103,979,148	\$ 1,086,733,759	33115
	Federal			
002 772-424	Highway Construction -	\$ 106,439,000	\$ 100,379,155	33116
	Other			
002 772-437	GARVEE Debt Service -	\$ 10,321,300	\$ 19,273,500	33117
	State			
002 772-438	GARVEE Debt Service -	\$ 113,915,900	\$ 139,015,000	33118
	Federal			
212 772-426	Highway Infrastructure	\$ 4,303,173	\$ 4,018,649	33119
	Bank - Federal			
212 772-427	Highway Infrastructure	\$ 8,268,315	\$ 10,209,272	33120
	Bank - State			

212	772-429	Highway Infrastructure	\$	11,000,000	\$	11,499,999	33121
		Bank - Local					
212	772-430	Infrastructure Debt	\$	1,500,000	\$	1,500,000	33122
		Reserve Title 23-49					
213	772-431	Roadway Infrastructure	\$	1,000,000	\$	1,000,000	33123
		Bank - State					
213	772-432	Roadway Infrastructure	\$	6,000,000	\$	6,000,000	33124
		Bank - Local					
213	772-433	Infrastructure Debt	\$	2,000,000	\$	2,000,000	33125
		Reserve - State					
TOTAL HOF Highway Operating							33126
Fund Group				\$ 1,897,449,024	\$ 1,885,813,753		33127
Highway Capital Improvement Fund Group							33128
042	772-723	Highway Construction -	\$	200,000,000	\$	100,000,000	33129
		Bonds					
TOTAL 042 Highway Capital			\$	200,000,000	\$	100,000,000	33130
Improvement Fund Group							
Infrastructure Bank Obligations Fund Group							33131
045	772-428	Highway Infrastructure	\$	450,000,000	\$	400,000,000	33132
		Bank - Bonds					
TOTAL 045 Infrastructure Bank							33133
Obligations Fund Group			\$	450,000,000	\$	400,000,000	33134
TOTAL ALL BUDGET FUND GROUPS -							33135
Highway Construction			\$	2,547,449,024	\$	2,385,813,753	33136
Highway Maintenance							33137
Highway Operating Fund Group							33138
002	773-431	Highway Maintenance -	\$	403,252,901	\$	417,915,187	33139
		State					
TOTAL HOF Highway Operating							33140
Fund Group			\$	403,252,901	\$	417,915,187	33141
							33142
TOTAL ALL BUDGET FUND GROUPS -							33143

Highway Maintenance	\$	403,252,901	\$	417,915,187	33144
<u>Transportation Infrastructure</u>					33145
<u>State Special Revenue Fund Group</u>					33146
5Z2 774-610 Motorist Service	\$	0	\$	11,200,000	33147
<u>Signs</u>					
TOTAL SSR State Special Revenue	\$	0	\$	11,200,000	33148
<u>Fund Group</u>					
TOTAL ALL BUDGET FUND GROUPS -	\$	0	\$	11,200,000	33149
<u>Transportation Infrastructure</u>					
Public Transportation					33150
Highway Operating Fund Group					33151
002 775-452 Public Transportation	\$	25,471,589	\$	30,391,763	33152
- Federal					
002 775-454 Public Transportation	\$	1,500,000	\$	1,500,000	33153
- Other					
002 775-459 Elderly and Disabled	\$	4,730,000	\$	4,730,000	33154
Special Equipment					
212 775-408 Transit Infrastructure	\$	2,500,000	\$	812,685	33155
Bank - Local					
212 775-455 Title 49	\$	476,485	\$	312,795	33156
Infrastructure Bank - State					
213 775-457 Transit Infrastructure	\$	500,000	\$	312,082	33157
Bank - State					
213 775-460 Transit Infrastructure	\$	1,000,000	\$	1,000,000	33158
Bank - Local					
TOTAL HOF Highway Operating					33159
Fund Group	\$	36,178,074	\$	39,059,325	33160
TOTAL ALL BUDGET FUND GROUPS -					33161
Public Transportation	\$	36,178,074	\$	39,059,325	33162
Rail Transportation					33163
Federal Special Revenue <u>Fund</u> Group					33164

3B9 776-662 Rail Transportation -	\$	10,000	\$	10,000	33165
Federal					
TOTAL FED Federal Special Revenue	\$	10,000	\$	10,000	33166
Fund Group					
Highway Operating Fund Group					33167
002 776-462 Grade Crossings -	\$	15,000,000	\$	15,000,000	33168
Federal					
TOTAL HOF Highway Operating					33169
Fund Group	\$	15,000,000	\$	15,000,000	33170
State Special Revenue Fund Group					33171
4N4 776-663 Panhandle Lease	\$	762,500	\$	763,700	33172
Reserve Payments					
4N4 776-664 Rail Transportation -	\$	2,111,500	\$	2,111,500	33173
Other					
TOTAL SSR State Special Revenue	\$	2,874,000	\$	2,875,200	33174
Fund Group					
TOTAL ALL BUDGET FUND GROUPS -					33175
Rail Transportation	\$	17,884,000	\$	17,885,200	33176
Aviation					33177
State Special Revenue Fund Group					33178
5W9 777-615 County Airport	\$	570,000	\$	570,000	33179
Maintenance					
TOTAL SSR State Special Revenue	\$	570,000	\$	570,000	33180
Fund Group					
Highway Operating Fund Group					33181
002 777-472 Airport Improvements -	\$	405,000	\$	405,000	33182
Federal					
002 777-475 Aviation	\$	5,210,000	\$	5,358,100	33183
Administration					
213 777-477 Aviation	\$	2,000,000	\$	3,500,000	33184
Infrastructure Bank -					
State					

213 777-478 Aviation	\$	5,996,118	\$	6,000,000	33185
Infrastructure Bank -					
Local					
TOTAL HOF Highway Operating					33186
Fund Group	\$	13,611,118	\$	15,263,100	33187
TOTAL ALL BUDGET FUND GROUPS -					33188
Aviation	\$	14,181,118	\$	15,833,100	33189
Administration					33190
Highway Operating Fund Group					33191
002 779-491 Administration - State	\$	120,262,864	\$	122,601,493	33192
TOTAL HOF Highway Operating					33193
Fund Group	\$	120,262,864	\$	122,601,493	33194
TOTAL ALL BUDGET FUND GROUPS -					33195
Administration	\$	120,262,864	\$	122,601,493	33196
Debt Service					33197
Highway Operating Fund Group					33198
002 770-003 Administration - State	\$	10,555,300	\$	3,614,700	33199
- Debt Service					
TOTAL HOF Highway Operating					33200
Fund Group	\$	10,555,300	\$	3,614,700	33201
TOTAL ALL BUDGET FUND GROUPS -					33202
Debt Service	\$	10,555,300	\$	3,614,700	33203
TOTAL Department of Transportation					33204
TOTAL FED Federal Special Revenue	\$	10,000	\$	10,000	33205
Fund Group					
TOTAL HOF Highway Operating					33206
Fund Group	\$	2,547,030,191	\$	2,551,265,782	33207
TOTAL 042 Highway Capital					33208
Improvement Fund Group	\$	200,000,000	\$	100,000,000	33209
TOTAL 045 Infrastructure Bank					33210
Obligations Fund Group	\$	450,000,000	\$	400,000,000	33211
TOTAL SSR State Special Revenue	\$	3,444,000	\$	3,445,200	33212

Fund Group		<u>14,645,200</u>	
TOTAL ALL BUDGET FUND GROUPS	\$ 3,200,484,191	\$ 3,054,720,982	33213
		<u>3,065,920,982</u>	
DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING			33214
Pursuant to section 121.51 of the Revised Code, the Director			33215
of Budget and Management, in conjunction with the Inspector			33216
General, shall prepare a schedule to transfer the necessary			33217
amounts from the Highway Operating Fund to the Deputy Inspector			33218
General for ODOT Fund to pay for the activities of the Deputy			33219
Inspector General. The amounts transferred are hereby			33220
appropriated.			33221
Sec. 203.50. PUBLIC ACCESS ROADS FOR STATE FACILITIES			33222
Of the foregoing appropriation item 772-421, Highway			33223
Construction - State, \$5,000,000 shall be used in each fiscal year			33224
during the fiscal year 2008-2009 biennium by the Department of			33225
Transportation for the construction, reconstruction, or			33226
maintenance of public access roads, including support features, to			33227
and within state facilities owned or operated by the Department of			33228
Natural Resources.			33229
Notwithstanding section 5511.06 of the Revised Code, of the			33230
foregoing appropriation item 772-421, Highway Construction -			33231
State, \$2,228,000 in each fiscal year of the fiscal year 2008-2009			33232
biennium shall be used by the Department of Transportation for the			33233
construction, reconstruction, or maintenance of park drives or			33234
park roads within the boundaries of metropolitan parks.			33235
Included in the foregoing appropriation item 772-421, Highway			33236
Construction - State, the department may perform related road work			33237
on behalf of the Ohio Expositions Commission at the state			33238
fairgrounds, including reconstruction or maintenance of public			33239
access roads and support features, to and within fairground			33240
facilities as requested by the commission and approved by the			33241

Director of Transportation.	33242
<u>HIGHWAY CONSTRUCTION - FEDERAL</u>	33243
<u>Of the foregoing appropriation item 772-422, Highway</u>	33244
<u>Construction - Federal, \$200,000 in fiscal year 2008 shall be used</u>	33245
<u>for the Cleveland Metropolitan Park District West Creek Project.</u>	33246
PUBLIC SCHOOL ENTRANCE IMPROVEMENTS	33247
Of the foregoing appropriation item 779-491,	33248
Administration-State, \$4,000,000 in fiscal year 2008, shall be	33249
used by the Department of Transportation to make grants available	33250
for state highway improvements at public school entrances under	33251
the following conditions:	33252
(A) The school is receiving assistance from the Ohio School	33253
Facilities Commission for the renovation or construction of new	33254
school facilities.	33255
(B) The state highway improvements are to be made at	33256
entrances within school zones.	33257
Grant awards shall be limited to \$500,000 per school	33258
district, and are contingent on local government officials or the	33259
participating school district, or both, matching 25 per cent of	33260
the improvement cost.	33261
LIQUIDATION OF UNFORESEEN LIABILITIES	33262
Any appropriation made to the Department of Transportation,	33263
Highway Operating Fund, not otherwise restricted by law, is	33264
available to liquidate unforeseen liabilities arising from	33265
contractual agreements of prior years when the prior year	33266
encumbrance is insufficient.	33267
Section 610.21. That existing Sections 203.10 and 203.50 of	33268
Am. Sub. H.B. 67 of the 127th General Assembly, as amended by Am.	33269
Sub. H.B. 119 of the 127th General Assembly, is hereby repealed.	33270

33271

Section 610.30. That Sections 201.10 and 512.70 of Am. Sub. 33272
 H.B. 100 of the 127th General Assembly be amended to read as 33273
 follows: 33274

Sec. 201.10. All items in this section are hereby 33275
 appropriated out of any moneys in the state treasury to the credit 33276
 of the designated fund. For all appropriations made in ~~this act~~ 33277
Am. Sub. H.B. 100 of the 127th General Assembly, those in the 33278
 first column are for fiscal year 2008, and those in the second 33279
 column are for fiscal year 2009. 33280

FND AI	AI TITLE	Appropriations		
	BWC BUREAU OF WORKERS' COMPENSATION			33282
	Workers' Compensation Fund Group			33283
023 855-401	William Green Lease	\$ 20,436,600	\$ 20,686,500	33284
	Payments to OBA			
023 855-407	Claims, Risk & Medical	\$ 140,367,719	\$ 140,367,719	33285
	Management			
023 855-408	Fraud Prevention	\$ 11,772,551	\$ 11,772,551	33286
023 855-409	Administrative	\$ 122,962,388	\$ 122,962,388	33287
	Services			
023 855-410	Attorney General	\$ 4,444,085	\$ 4,444,085	33288
	Payments			
822 855-606	Coal Workers' Fund	\$ 91,894	\$ 91,894	33289
823 855-608	Marine Industry	\$ 53,952	\$ 53,952	33290
825 855-605	Disabled Workers	\$ 488,282	\$ 492,500	33291
	Relief Fund			
826 855-609	Safety & Hygiene	\$ 20,734,750	\$ 20,734,750	33292
	Operating			
826 855-610	Safety Grants Program	\$ 4,000,000	4,000,000	33293
			<u>6,500,000</u>	

829	855-604	Long Term Care Loan	\$	2,000,000	\$	2,000,000	33294
		Program					
		TOTAL WCF Workers' Compensation					33295
		Fund Group	\$	327,352,221	\$	327,606,339	33296
						<u>330,106,339</u>	
		Federal Special Revenue Fund Group					33297
349	855-601	OSHA Enforcement	\$	1,604,140	\$	1,604,140	33298
		TOTAL FED Federal Special Revenue	\$	1,604,140	\$	1,604,140	33299
		Fund Group					
		TOTAL ALL BUDGET FUND GROUPS	\$	328,956,361	\$	329,210,479	33300
						<u>331,710,479</u>	
		WILLIAM GREEN LEASE PAYMENTS					33301
		The foregoing appropriation item 855-401, William Green Lease					33302
		Payments to OBA, shall be used for lease payments to the Ohio					33303
		Building Authority, and these appropriations shall be used to meet					33304
		all payments at the times they are required to be made during the					33305
		period from July 1, 2007, to June 30, 2009, by the Bureau of					33306
		Workers' Compensation to the Ohio Building Authority pursuant to					33307
		leases and agreements made under Chapter 152. of the Revised Code					33308
		and Section 6 of Am. Sub. H.B. 743 of the 118th General Assembly.					33309
		Of the amounts received in Fund 023, appropriation item 855-401,					33310
		William Green Lease Payments to OBA, up to \$41,123,100 shall be					33311
		restricted for lease rental payments to the Ohio Building					33312
		Authority. If it is determined that additional appropriations are					33313
		necessary for such purpose, such amounts are hereby appropriated.					33314
		Notwithstanding any other provision of law to the contrary,					33315
		all tenants of the William Green Building not funded by the					33316
		Workers' Compensation Fund (Fund 023) shall pay their fair share					33317
		of the costs of lease payments to the Workers' Compensation Fund					33318
		(Fund 023) by intrastate transfer voucher.					33319
		WORKERS' COMPENSATION FRAUD UNIT					33320

The Workers' Compensation Section Fund (Fund 195) shall 33321
receive payments from the Bureau of Workers' Compensation at the 33322
beginning of each quarter of each fiscal year to fund expenses of 33323
the Workers' Compensation Fraud Unit of the Attorney General's 33324
Office. Of the foregoing appropriation item 855-410, Attorney 33325
General Payments, \$796,346 in fiscal year 2008 and \$796,346 in 33326
fiscal year 2009 shall be used to provide these payments. 33327

SAFETY AND HYGIENE 33328

Notwithstanding section 4121.37 of the Revised Code, the 33329
Administrator of Workers' Compensation shall transfer moneys from 33330
the State Insurance Fund so that appropriation item 855-609, 33331
Safety and Hygiene Operating, is provided \$20,734,750 in fiscal 33332
year 2008 and \$20,734,750 in fiscal year 2009. 33333

OSHA ON-SITE CONSULTATION PROGRAM 33334

The Bureau of Workers' Compensation may designate a portion 33335
of appropriation item 855-609, Safety and Hygiene Operating, to be 33336
used to match federal funding for the federal Occupational Safety 33337
and Health Administration's (OSHA) on-site consultation program. 33338

VOCATIONAL REHABILITATION 33339

The Bureau of Workers' Compensation and the Rehabilitation 33340
Services Commission shall enter into an interagency agreement for 33341
the provision of vocational rehabilitation services and staff to 33342
mutually eligible clients. The bureau shall provide \$605,407 in 33343
fiscal year 2008 and \$605,407 in fiscal year 2009 from the State 33344
Insurance Fund to fund vocational rehabilitation services and 33345
staff in accordance with the interagency agreement. 33346

FUND BALANCE 33347

Any unencumbered cash balance in excess of \$45,000,000 in the 33348
Workers' Compensation Fund (Fund 023) on the thirtieth day of June 33349
of each fiscal year shall be used to reduce the administrative 33350

cost rate charged to employers to cover appropriations for Bureau 33351
of Workers' Compensation operations. 33352

HOLDING ACCOUNT 33353

On July 1, 2007, or as soon as possible thereafter, the 33354
Director of Budget and Management shall transfer the remaining 33355
cash balance in the Camera Center Fund (Fund R46) to the 33356
Administrative Fund (Fund 023). After the transfer, the Camera 33357
Center Fund is abolished. 33358

Sec. 512.70. The Administrator of Workers' Compensation shall 33359
completely transition from use of the Micro Insurance Reserve 33360
Analysis System to a different system or different version of that 33361
system to determine the reserves for use in establishing premium 33362
rates assessed for the purposes of Chapter 4121., 4123., 4127., or 33363
4131. of the Revised Code on or before ~~June 30~~ July 1, 2008. A 33364
contract between the Administrator and a vendor for the System in 33365
existence on the effective date of this section shall expire in 33366
accordance with the terms of the contract, and the Administrator 33367
may renew or extend that contract only for a period of time that 33368
does not extend past June 30, 2008. 33369

The Administrator shall transition to a reserve analysis 33370
system that is characterized as transparent in nature and for that 33371
purpose of transparency, satisfies both of the following criteria: 33372

(A) The manner in which the system uses data can be 33373
understood in general terms by employers who are subject to 33374
Chapters 4121., 4123., 4127., and 4131. of the Revised Code and 33375
other persons interested in use of the system; 33376

(B) The type of data the system uses in making reserve 33377
analysis can be explained to employers who are subject to Chapters 33378
4121., 4123., 4127., and 4131. of the Revised Code and other 33379
persons interested in use of the system. 33380

The Administrator shall communicate information describing 33381
the manner in which the new reserve analysis system uses data and 33382
the type of data the system uses in making reserve analysis to 33383
employers who are subject to Chapters 4121., 4123., 4127., and 33384
4131. of the Revised Code and to any other persons who request 33385
such information. 33386

Section 610.31. That existing Sections 201.10 and 512.70 of 33387
Am. Sub. H.B. 100 of the 127th General Assembly are hereby 33388
repealed. 33389

Section 610.40. That Sections 207.20.50, 207.20.70, 33390
207.30.10, 207.30.20, 207.30.30, 219.10, 235.10, 261.10, 263.10, 33391
263.20.10, 263.20.80, 263.30.10, 269.30.30, 269.30.70, 269.40.50, 33392
269.50.30, 275.10, 293.10, 299.10, 307.10, 309.10, 309.30.13, 33393
309.30.30, 309.30.40, 309.30.41, 309.30.42, 309.40.33, 337.30, 33394
337.30.43, 337.40, 337.40.15, 369.10, 375.10, 379.10, 393.10, 33395
405.10, 407.10, 512.03, 512.35, and 518.03 of Am. Sub. H.B. 119 of 33396
the 127th General Assembly be amended to read as follows: 33397

Sec. 207.20.50. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM 33398

Effective with the implementation of the Multi-Agency Radio 33399
Communications System, the ~~State Chief Information Officer~~ 33400
Department of Administrative Services shall collect user fees from 33401
participants in the system. ~~The~~ Under the direction of the 33402
Director of Administrative Services, the State Chief Information 33403
Officer, with the advice of the Multi-Agency Radio Communications 33404
System Steering Committee and the Director of Budget and 33405
Management, shall determine the amount of the fees and the manner 33406
by which the fees shall be collected. Such user charges shall 33407
comply with the applicable cost principles issued by the federal 33408
Office of Management and Budget. All moneys from user charges and 33409
fees shall be deposited in the state treasury to the credit of the 33410

Multi-Agency Radio Communications System Administration Fund (Fund 33411
5C2), which is hereby established in the state treasury. All 33412
interest income derived from the investment of the fund shall 33413
accrue to the fund. 33414

Sec. 207.20.70. OAKS SUPPORT ORGANIZATION 33415

The foregoing appropriation item 100-635, OAKS Support 33416
Organization, shall be used by the ~~Office of Information~~ 33417
~~Technology~~ Department of Administrative Services to support the 33418
operating costs associated with the implementation and maintenance 33419
of the state's enterprise resource planning system, OAKS, 33420
consistent with its responsibilities under this section and 33421
Chapters 125. and 126. of the Revised Code. The OAKS Support 33422
Organization shall operate and maintain the human capital 33423
management and financial management modules of the state's 33424
enterprise resource planning system to support statewide human 33425
resources and financial management activities administered by the 33426
Department of Administrative Services' human resources division 33427
and the Office of Budget and Management. The OAKS Support 33428
Organization shall recover the costs to establish, operate, and 33429
maintain the OAKS system through intrastate transfer voucher 33430
billings to the Department of Administrative Services and the 33431
Office of Budget and Management. Effective July 1, 2007, the 33432
Department of Administrative Services, with the approval of the 33433
Director of Budget and Management, shall include the recovery of 33434
the costs of administering the human capital management module of 33435
the OAKS System within the human resources services payroll rate. 33436
These revenues shall be deposited to the credit of the Human 33437
Resources Services Fund (Fund 125). Amounts deposited under this 33438
section are hereby appropriated to appropriation item 100-622, 33439
Human Resources Division-Operating. Not less than quarterly, the 33440
Department of Administrative Services shall process the intrastate 33441
transfer billings to transfer cash from the Human Resources 33442

Services Fund (Fund 125) to the OAKS Support Organization Fund 33443
(Fund 5EB) to pay for the OAKS Support Organization costs. 33444

Sec. 207.30.10. CENTRALIZED GATEWAY ENHANCEMENTS FUND 33445

(A) As used in this section, "Ohio Business Gateway" refers 33446
to the internet-based system operated by the ~~Office of Information~~ 33447
~~Technology~~ Department of Administrative Services with the advice 33448
of the Ohio Business Gateway Steering Committee established under 33449
section 5703.57 of the Revised Code. The Ohio Business Gateway is 33450
established to provide businesses a central web site where various 33451
filings and payments are submitted on-line to government. The 33452
information is then distributed to the various government entities 33453
that interact with the business community. 33454

(B) As used in this section: 33455

(1) "State Portal" refers to the official web site of the 33456
state, operated by the ~~Office of Information Technology~~ Department 33457
of Administrative Services. 33458

(2) "Shared Hosting Environment" refers to the computerized 33459
system operated by the ~~Office of Information Technology~~ Department 33460
of Administrative Services for the purpose of providing capability 33461
for state agencies to host web sites. 33462

(C) There is hereby created in the state treasury the 33463
Centralized Gateway Enhancements Fund (Fund 5X3). The foregoing 33464
appropriation item 100-634, Centralized Gateway Enhancements, 33465
shall be used by the ~~Office of Information Technology~~ Department 33466
of Administrative Services to pay the costs of enhancing, 33467
expanding, and operating the infrastructure of the Ohio Business 33468
Gateway, State Portal, and Shared Hosting Environment. ~~The~~ Under 33469
the direction of the Director of Administrative Services, the 33470
State Chief Information Officer shall submit periodic spending 33471
plans to the Director of Budget and Management to justify 33472

operating transfers to the fund from the General Revenue Fund. 33473
Upon approval, the Director of Budget and Management shall 33474
transfer approved amounts to the fund, not to exceed the amount of 33475
the annual appropriation in each fiscal year. The spending plans 33476
may be based on the recommendations of the Ohio Business Gateway 33477
Steering Committee or its successor. 33478

Sec. 207.30.20. MAJOR IT PURCHASES AND CONTRACTS 33479

The Director of Administrative Services shall, on the 33480
effective date of this amendment, replace the Director and Chief 33481
Information Officer of the Office of Information Technology in all 33482
contracts executed pursuant to section 125.18 of the Revised Code 33483
and in matters relating to those contracts. Contracts entered into 33484
prior to the effective date of this amendment shall remain in full 33485
force and effect. 33486

Under the direction of the Director of Administrative 33487
Services, the State Chief Information Officer shall compute the 33488
amount of revenue attributable to the amortization of all 33489
equipment purchases and capitalized systems from appropriation 33490
item 100-607, IT ~~Service~~ Services Delivery; appropriation item 33491
100-617, Major IT Purchases; and appropriation item CAP-837, Major 33492
IT Purchases, which is recovered by the Office of Information 33493
Technology as part of the rates charged by the IT Service Delivery 33494
Fund (Fund 133) created in section 125.15 of the Revised Code. The 33495
Director of Budget and Management may transfer cash in an amount 33496
not to exceed the amount of amortization computed from the IT 33497
Service Delivery Fund (Fund 133) to the Major IT Purchases Fund 33498
(Fund 4N6). 33499

On or before June 30, 2008, any unencumbered amounts of the 33500
foregoing appropriation item 100-607, IT Services Delivery, that 33501
are attributable to implementation of the NextGen Network for 33502
fiscal year 2008 are hereby appropriated for the same purpose for 33503

fiscal year 2009. 33504

Sec. 207.30.30. INFORMATION TECHNOLOGY ASSESSMENT 33505

The Under the direction of the Director of Administrative 33506
Services, the State Chief Information Officer, with the approval 33507
 of the Director of Budget and Management, may establish an 33508
 information technology assessment for the purpose of recovering 33509
 the cost of selected infrastructure and statewide programs. Such 33510
 assessment shall comply with applicable cost principles issued by 33511
 the federal Office of Management and Budget. The information 33512
 technology assessment shall be charged to all organized bodies, 33513
 offices, or agencies established by the laws of the state for the 33514
 exercise of any function of state government except for the 33515
 General Assembly, any legislative agency, the Supreme Court, the 33516
 other courts of record in Ohio, or any judicial agency, the 33517
 Adjutant General, the Bureau of Workers' Compensation, and 33518
 institutions administered by a board of trustees. Any state-entity 33519
 exempted by this section may utilize the infrastructure or 33520
 statewide program by participating in the information technology 33521
 assessment. All charges for the information technology assessment 33522
 shall be deposited to the credit of the IT Governance Fund (Fund 33523
 229). 33524

Sec. 219.10. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 33525

SERVICES 33526

General Revenue Fund 33527

GRF 038-321 Operating Expenses	\$	1,071,861	\$	1,071,861	33528
GRF 038-401 Treatment Services	\$	38,661,063	\$	41,661,063	33529
GRF 038-404 Prevention Services	\$	1,052,127	\$	1,552,127	33530
TOTAL GRF General Revenue Fund	\$	40,785,051	\$	44,285,051	33531

General Services Fund 33532

5T9 038-616 Problem Gambling	\$	285,000	\$	285,000	33533
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Of the foregoing appropriation item 038-401, Treatment 33557
Services, \$4 million in each fiscal year shall be used to provide 33558
substance abuse services to families involved in the child welfare 33559
system under the requirements of Am. Sub. H.B. 484 of the 122nd 33560
General Assembly. 33561

THERAPEUTIC COMMUNITIES 33562

Of the foregoing appropriation item 038-401, Treatment 33563
Services, \$750,000 shall be used in each fiscal year for the 33564
Therapeutic Communities Program in the Department of 33565
Rehabilitation and Correction. 33566

JUVENILE AFTERCARE PROGRAM 33567

Of the foregoing appropriation item 038-401, Treatment 33568
Services, \$2,500,000 shall be used in fiscal year 2009 for the 33569
Juvenile Aftercare Program to provide community-based alcohol and 33570
other drug treatment to parolees from the Department of Youth 33571
Services. 33572

SERVICES FOR TANF ELIGIBLE INDIVIDUALS 33573

Of the foregoing appropriation item 038-401, Treatment 33574
Services, \$5 million in each fiscal year shall be used for 33575
TANF-eligible expenses for substance abuse prevention and 33576
treatment services to children or their families whose income is 33577
at or below 200 per cent of the federal poverty level. 33578

INTERNAL REVIEW 33579

The Director of Alcohol and Drug Addiction Services shall 33580
consult with the Director of Budget and Management and 33581
representatives of local and county alcohol and drug addiction 33582
services agencies to conduct an internal review of policies and 33583
procedures to increase efficiency and identify and eliminate 33584
duplicative practices. Any savings identified as a result of the 33585
internal review shall be used for community-based care. 33586

The Director of Alcohol and Drug Addiction Services shall 33587
 seek Controlling Board approval before expending any funds 33588
 identified as a result of the internal review. 33589

Sec. 235.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 33590

General Revenue Fund 33591

GRF 874-100 Personal Services \$ 2,057,000 \$ ~~2,057,000~~ 33592
2,201,612

GRF 874-320 Maintenance and \$ 1,085,837 \$ 1,080,837 33593
 Equipment

TOTAL GRF General Revenue Fund \$ 3,142,837 \$ ~~3,137,837~~ 33594
3,282,449

General Services Fund Group 33595

4G5 874-603 Capitol Square \$ 15,000 \$ 15,000 33596
 Education Center and
 Arts

4S7 874-602 Statehouse Gift \$ 650,484 \$ 650,484 33597
 Shop/Events

TOTAL GSF General Services 33598

Fund Group \$ 665,484 \$ 665,484 33599

Underground Parking Garage 33600

208 874-601 Underground Parking \$ ~~2,706,993~~ \$ ~~2,706,993~~ 33601
 Garage Operations 2,754,993 2,754,993

TOTAL UPG Underground Parking 33602

Garage \$ ~~2,706,993~~ \$ ~~2,706,993~~ 33603
2,754,993 2,754,993

TOTAL ALL BUDGET FUND GROUPS \$ ~~6,515,314~~ \$ ~~6,510,314~~ 33604
6,563,314 6,702,926

WAREHOUSE PAYMENTS 33605

Of the foregoing appropriation item 874-601, Underground 33606
Parking Garage Operations, \$48,000 in each fiscal year shall be 33607

used to meet all payments at the times they are required to be 33608
made during the period from July 1, 2007, to June 30, 2009, by the 33609
Capitol Square Review and Advisory Board to the Ohio Building 33610
Authority for bond service charges relating to the purchase and 33611
improvement of a warehouse in which to store items of the Capitol 33612
Collection Trust and, whenever necessary, equipment or other 33613
property of the Board. 33614

Sec. 261.10. BDP BOARD OF DEPOSIT 33615

General Services Fund Group 33616
 4M2 974-601 Board of Deposit \$ 1,676,000 \$ 1,676,000 33617
 TOTAL GSF General Services Fund 33618
 Group \$ 1,676,000 \$ 1,676,000 33619
 TOTAL ALL BUDGET FUND GROUPS \$ 1,676,000 \$ 1,676,000 33620

BOARD OF DEPOSIT EXPENSE FUND 33621

Upon receiving certification of expenses from the Treasurer 33622
 of State, the Director of Budget and Management shall transfer 33623
 cash from the Investment Earnings Redistribution Fund (Fund 608) 33624
 to the Board of Deposit Expense Fund (Fund 4M2). The latter fund 33625
 shall be used pursuant to section 135.02 of the Revised Code to 33626
pay for any and all necessary expenses of the Board of Deposit or 33627
for banking charges and fees required for the operation of the 33628
 State of Ohio Regular Account. 33629

Sec. 263.10. DEV DEPARTMENT OF DEVELOPMENT 33630

General Revenue Fund 33631
 GRF 195-401 Thomas Edison Program \$ 19,404,838 \$ 17,978,483 33632
 GRF 195-404 Small Business \$ 1,740,722 \$ 1,792,944 33633
 Development
 GRF 195-405 Minority Business \$ 1,580,291 \$ 1,627,700 33634
 Development Division
 GRF 195-407 Travel and Tourism \$ 1,800,000 \$ 1,800,000 33635

GRF	195-410	Defense Conversion Assistance	\$	5,000,000	\$	0	33636
GRF	195-412	Rapid Outreach Grants	\$	10,750,000	\$	10,000,000	33637
GRF	195-415	Economic Development Division and Regional Offices	\$	5,894,975	\$	6,071,824	33638
GRF	195-416	Governor's Office of Appalachia	\$	4,746,043	\$	4,746,043	33639
GRF	195-422	Third Frontier Action Fund	\$	18,790,000	\$	16,790,000	33640
GRF	195-426	Clean Ohio Implementation	\$	300,000	\$	309,000	33641
GRF	195-432	International Trade	\$	4,650,501	\$	4,650,501	33642
GRF	195-434	Investment in Training Grants	\$	12,227,500	\$	12,594,325	33643
GRF	195-436	Labor/Management Cooperation	\$	836,225	\$	836,225	33644
GRF	195-497	CDBG Operating Match	\$	1,072,184	\$	1,072,184	33645
GRF	195-498	State Match Energy	\$	96,820	\$	96,820	33646
GRF	195-501	Appalachian Local Development Districts	\$	391,482	\$	391,482	33647
GRF	195-502	Appalachian Regional Commission Dues	\$	254,208	\$	254,208	33648
GRF	195-507	Travel and Tourism Grants	\$	1,130,000	\$	1,115,000 <u>1,165,000</u>	33649
GRF	195-516	Shovel Ready Sites	\$	1,000,000	\$	1,000,000	33650
GRF	195-520	Ohio Main Street Program	\$	750,000	\$	250,000	33651
GRF	195-521	Discover Ohio!	\$	7,182,845	\$	8,182,845	33652
GRF	195-905	Third Frontier Research & Development General Obligation Debt	\$	14,349,500	\$	24,523,400	33653

		Service				
GRF	195-912	Job Ready Site	\$	4,359,400	\$	8,232,500 33654
		Development General				
		Obligation Debt				
		Service				
TOTAL GRF		General Revenue Fund	\$	118,307,534	\$	124,315,484 33655
						<u>124,365,484</u>
		General Services Fund Group				33656
135	195-684	Supportive Services	\$	11,699,404	\$	11,321,444 33657
5AD	195-667	Investment in	\$	2,000,000	\$	0 33658
		Training Expansion				
5AD	195-668	Workforce Guarantee	\$	1,000,000	\$	0 33659
		Program				
5AD	195-677	Economic Development	\$	5,000,000	\$	24,400,000 33660
		Contingency				
5W5	195-690	Travel and Tourism	\$	350,000	\$	350,000 33661
		Cooperative Projects				
5W6	195-691	International Trade	\$	300,000	\$	300,000 33662
		Cooperative Projects				
685	195-636	Direct Cost Recovery	\$	800,000	\$	800,000 33663
		Expenditures				
TOTAL GSF		General Services Fund				33664
Group			\$	21,149,404	\$	37,171,444 33665
		Federal Special Revenue Fund Group				33666
3AE	195-643	Workforce Development	\$	5,839,900	\$	5,860,000 33667
		Initiatives				
3BJ	195-685	TANF Heating	\$	45,000,000	\$	15,000,000 33668
		Assistance				
3K8	195-613	Community Development	\$	65,000,000	\$	65,000,000 33669
		Block Grant				
3K9	195-611	Home Energy	\$	110,000,000	\$	110,000,000 33670
		Assistance Block				

		Grant				
3K9	195-614	HEAP Weatherization	\$	22,000,000	\$	22,000,000 33671
3L0	195-612	Community Services	\$	25,235,000	\$	25,235,000 33672
		Block Grant				
3V1	195-601	HOME Program	\$	40,000,000	\$	40,000,000 33673
308	195-602	Appalachian Regional	\$	475,000	\$	475,000 33674
		Commission				
308	195-603	Housing and Urban	\$	6,000,000	\$	6,000,000 33675
		Development				
308	195-605	Federal Projects	\$	27,000,000	\$	27,000,000 33676
308	195-609	Small Business	\$	4,296,381	\$	4,396,381 33677
		Administration				
308	195-618	Energy Federal Grants	\$	3,400,000	\$	3,400,000 33678
335	195-610	Energy Conservation	\$	2,200,000	\$	2,200,000 33679
		and Emerging				
		Technology				
TOTAL FED Federal Special Revenue						33680
Fund Group			\$	356,446,281	\$	326,566,381 33681
State Special Revenue Fund Group						33682
4F2	195-639	State Special Projects	\$	518,393	\$	518,393 33683
4F2	195-676	Marketing Initiatives	\$	5,000,000	\$	1,000,000 33684
4S0	195-630	Tax Incentive Programs	\$	650,800	\$	650,800 33685
4W1	195-646	Minority Business	\$	2,580,597	\$	2,580,597 33686
		Enterprise Loan				
444	195-607	Water and Sewer	\$	523,775	\$	523,775 33687
		Commission Loans				
450	195-624	Minority Business	\$	53,967	\$	53,967 33688
		Bonding Program				
		Administration				
451	195-625	Economic Development	\$	3,233,311	\$	3,233,311 33689
		Financing Operating				
5AR	195-674	Industrial Site	\$	4,500,000	\$	4,500,000 33690
		Improvements				

5CG	195-679	Alternative Fuel Transportation	\$	1,500,000	\$	1,000,000	33691
5DU	195-689	Energy Projects	\$	840,000	\$	840,000	33692
5M4	195-659	Low Income Energy Assistance	\$	245,000,000	\$	245,000,000	33693
5M5	195-660	Advanced Energy Programs	\$	17,000,000	\$	17,000,000	33694
5X1	195-651	Exempt Facility Inspection	\$	25,000	\$	25,000	33695
611	195-631	Water and Sewer Administration	\$	15,713	\$	15,713	33696
617	195-654	Volume Cap Administration	\$	200,000	\$	200,000	33697
646	195-638	Low- and Moderate- Income Housing Trust Fund	\$	53,000,000	\$	53,000,000	33698
TOTAL SSR State Special Revenue							33699
Fund Group			\$	334,641,556	\$	330,141,556	33700
Facilities Establishment Fund Group							33701
009	195-664	Innovation Ohio	\$	50,000,000	\$	50,000,000	33702
010	195-665	Research and Development	\$	50,000,000	\$	50,000,000	33703
037	195-615	Facilities Establishment	\$	110,000,000	\$	110,000,000	33704
4Z6	195-647	Rural Industrial Park Loan	\$	3,000,000	\$	3,000,000	33705
5D2	195-650	Urban Redevelopment Loans	\$	5,475,000	\$	5,475,000	33706
5S8	195-627	Rural Development Initiative	\$	3,000,000	\$	3,000,000	33707
5S9	195-628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000	33708
TOTAL 037 Facilities							33709

Establishment Fund Group	\$	224,475,000	\$	224,475,000	33710
Clean Ohio Revitalization Fund					33711
003 195-663 Clean Ohio Operating	\$	625,000	\$	550,000	33712
TOTAL 003 Clean Ohio Revitalization Fund	\$	625,000	\$	550,000	33713
Third Frontier Research & Development Fund Group					33714
011 195-686 Third Frontier Operating	\$	1,932,056	\$	1,932,056	33715
011 195-687 Third Frontier Research & Development Projects	\$	94,000,000	\$	72,000,000	33716
014 195-692 Research & Development Taxable Bond Projects	\$	28,000,000	\$	28,000,000	33717
TOTAL 011 Third Frontier Research & Development Fund Group	\$	123,932,056	\$	101,932,056	33718
Job Ready Site Development Fund Group					33719
012 195-688 Job Ready Site Operating	\$	1,246,155	\$	1,246,155	33720
TOTAL 012 Job Ready Site Development Fund Group	\$	1,246,155	\$	1,246,155	33721
TOTAL ALL BUDGET FUND GROUPS	\$	1,180,822,986	\$	1,146,398,076 <u>1,146,448,076</u>	33722

Sec. 263.20.10. TRAVEL AND TOURISM GRANTS 33724

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. 33725
33726
33727

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. 33728
33729
33730

Of the foregoing appropriation item 195-507, Travel and 33731
Tourism Grants, \$50,000 in each fiscal year shall be used for the 33732
Cincinnati Film Bureau. 33733

Of the foregoing appropriation item 195-507, Travel and 33734
Tourism Grants, \$500,000 in each fiscal year shall be used for 33735
grants to The International Center for the Preservation of Wild 33736
Animals. 33737

Of the foregoing appropriation item 195-507, Travel and 33738
Tourism Grants, \$50,000 in each fiscal year shall be used for the 33739
Greater Cleveland Sports Commission. 33740

Of the foregoing appropriation item 195-507, Travel and 33741
Tourism Grants, \$50,000 in each fiscal year shall be used for the 33742
Greater Columbus Sports Commission. 33743

Of the foregoing appropriation item 195-507, Travel and 33744
Tourism Grants, \$50,000 in each fiscal year ~~2008~~ shall be used for 33745
the Ohio Alliance of Science Centers. 33746

Of the foregoing appropriation item 195-507, Travel and 33747
Tourism Grants, \$100,000 in each fiscal year shall be used for the 33748
Harbor Heritage Society/Great Lakes Science Center in support of 33749
operations of the Steamship William G. Mather Maritime Museum, and 33750
\$100,000 in each fiscal year shall be used for the Great Lakes 33751
Historical Society. 33752

Of the foregoing appropriation item 195-507, Travel and 33753
Tourism Grants, \$35,000 in fiscal year 2009 shall be used for the 33754
Ohio Junior Angus Association to assist with costs associated with 33755
hosting the Eastern Regional Junior Angus Show in June 2009. 33756

Of the foregoing appropriation item 195-507, Travel and 33757
Tourism Grants, \$60,000 in each fiscal year shall be used for the 33758
Ohio River Trails program. 33759

Of the foregoing appropriation item 195-507, Travel and 33760

Tourism Grants, \$60,000 in each fiscal year shall be used to 33761
support the outdoor drama "Tecumseh!" 33762

Of the foregoing appropriation item 195-507, Travel and 33763
Tourism Grants, \$25,000 in each fiscal year shall be used for 33764
Ohio's Appalachian Country. 33765

Of the foregoing appropriation item 195-507, Travel and 33766
Tourism Grants, \$25,000 in each fiscal year shall be used for the 33767
Garst Museum. 33768

Of the foregoing appropriation item 195-507, Travel and 33769
Tourism Grants, \$10,000 in each fiscal year shall be used for the 33770
Pro Football Hall of Fame Festival. 33771

Sec. 263.20.80. FACILITIES ESTABLISHMENT FUND 33772

The foregoing appropriation item 195-615, Facilities 33773
Establishment (Fund 037), shall be used for the purposes of the 33774
Facilities Establishment Fund under Chapter 166. of the Revised 33775
Code. 33776

Notwithstanding Chapter 166. of the Revised Code, an amount 33777
not to exceed \$1,800,000 in cash each fiscal year may be 33778
transferred from the Facilities Establishment Fund (Fund 037) to 33779
the Economic Development Financing Operating Fund (Fund 451). The 33780
transfer is subject to Controlling Board approval under division 33781
(B) of section 166.03 of the Revised Code. 33782

Notwithstanding Chapter 166. of the Revised Code, an amount 33783
not to exceed \$5,475,000 in cash each fiscal year may be 33784
transferred during the biennium from the Facilities Establishment 33785
Fund (Fund 037) to the Urban Redevelopment Loans Fund (Fund 5D2) 33786
for the purpose of removing barriers to urban core redevelopment. 33787
The Director of Development shall develop program guidelines for 33788
the transfer and release of funds, including, but not limited to, 33789
the completion of all appropriate environmental assessments before 33790

state assistance is committed to a project. The transfers shall be 33791
subject to approval by the Controlling Board upon the submission 33792
of a request by the Department of Development. 33793

Notwithstanding Chapter 166. of the Revised Code, an amount 33794
not to exceed \$3,000,000 in cash each fiscal year may be 33795
transferred from the Facilities Establishment Fund (Fund 037) to 33796
the Rural Industrial Park Loan Fund (Fund 4Z6). The transfer is 33797
subject to Controlling Board approval under section 166.03 of the 33798
Revised Code. 33799

Notwithstanding Chapter 166. of the Revised Code, of the 33800
foregoing appropriation item 195-615, Facilities Establishment, 33801
\$1,500,000 in fiscal year 2008 shall be used for business 33802
development by any current or future port authority located in 33803
Clark County. 33804

Notwithstanding Chapter 166. of the Revised Code, on July 1, 33805
2007, or as soon as possible thereafter, the Director of Budget 33806
and Management, at the request of the Director of Development, 33807
shall transfer \$5,719,325 cash from the Facilities Establishment 33808
Fund (Fund 037) to the General Revenue Fund. Of the amount to be 33809
transferred, \$5,352,500 in fiscal year 2008 is hereby appropriated 33810
in appropriation item 195-412, Rapid Outreach Grants, and \$366,825 33811
in fiscal year 2008 is hereby appropriated in appropriation item 33812
195-434, Investment in Training Grants. 33813

Notwithstanding Chapter 166. of the Revised Code, on July 1, 33814
2008, or as soon as possible thereafter, the Director of Budget 33815
and Management may transfer up to \$2,000,000 cash from the 33816
Facilities Establishment Fund (Fund 037) to the Workforce 33817
Development Initiatives Fund (Fund 3AE). 33818

Notwithstanding Chapter 166. of the Revised Code, on July 1, 33819
2008, or as soon as possible thereafter, the Director of Budget 33820
and Management, at the request of the Director of Development, 33821

shall transfer \$6,102,500 cash from the Facilities Establishment Fund (Fund 037) to the General Revenue Fund. The amount transferred is hereby appropriated in appropriation item 195-412, Rapid Outreach Grants, for fiscal year 2009.

Notwithstanding Chapter 166. of the Revised Code, on the first day of July of each year of the biennium, or as soon as possible thereafter, the Director of Budget and Management, at the request of the Director of Development, shall transfer \$4,275,000 cash from the Facilities Establishment Fund (Fund 037) to the Job Development Initiatives Fund (Fund 5AD). The amount transferred is hereby appropriated in each fiscal year in appropriation item 195-677, Economic Development Contingency.

Notwithstanding Chapter 166. of the Revised Code, of the foregoing appropriation item 195-615, Facilities Establishment, \$1,500,000 in fiscal year 2008 shall be used for the City of Toledo's Marina District Development project. Disbursement of funds for this purpose shall not take precedence over any existing obligations from the Facilities Establishment Fund or any other provision in this section.

ALTERNATIVE FUEL TRANSPORTATION GRANT FUND

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$1,000,000 in cash each fiscal year shall be transferred from moneys in the Facilities Establishment Fund (Fund 037) to the Alternative Fuel Transportation Grant Fund (Fund 5CG) in the Department of Development.

RURAL DEVELOPMENT INITIATIVE FUND

(A)(1) The Rural Development Initiative Fund (Fund 5S8) is entitled to receive moneys from the Facilities Establishment Fund (Fund 037). The Director of Development may make grants from the Rural Development Initiative Fund as specified in division (A)(2) of this section to eligible applicants in Appalachian counties and

in rural counties in the state that are designated as distressed 33853
under section 122.25 of the Revised Code. Preference shall be 33854
given to eligible applicants located in Appalachian counties 33855
designated as distressed by the federal Appalachian Regional 33856
Commission. The Rural Development Initiative Fund (Fund 5S8) shall 33857
cease to exist after June 30, 2009. All moneys remaining in the 33858
Fund after that date shall revert to the Facilities Establishment 33859
Fund (Fund 037). 33860

(2) The Director of Development shall make grants from the 33861
Rural Development Initiative Fund (Fund 5S8) only to eligible 33862
applicants who also qualify for and receive funding under the 33863
Rural Industrial Park Loan Program as specified in sections 122.23 33864
to 122.27 of the Revised Code. Eligible applicants shall use the 33865
grants for the purposes specified in section 122.24 of the Revised 33866
Code. All projects supported by grants from the fund are subject 33867
to Chapter 4115. of the Revised Code as specified in division (E) 33868
of section 166.02 of the Revised Code. The Director shall develop 33869
program guidelines for the transfer and release of funds. The 33870
release of grant moneys to an eligible applicant is subject to 33871
Controlling Board approval. 33872

(B) Notwithstanding Chapter 166. of the Revised Code, the 33873
Director of Budget and Management may transfer an amount not to 33874
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 33875
at the request of the Director of Development from the Facilities 33876
Establishment Fund (Fund 037) to the Rural Development Initiative 33877
Fund (Fund 5S8). The transfer is subject to Controlling Board 33878
approval under section 166.03 of the Revised Code. 33879

CAPITAL ACCESS LOAN PROGRAM 33880

The foregoing appropriation item 195-628, Capital Access Loan 33881
Program, shall be used for operating, program, and administrative 33882
expenses of the program. Funds of the Capital Access Loan Program 33883
shall be used to assist participating financial institutions in 33884

making program loans to eligible businesses that face barriers in 33885
accessing working capital and obtaining fixed-asset financing. 33886

Notwithstanding Chapter 166. of the Revised Code, the 33887
Director of Budget and Management may transfer an amount not to 33888
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 33889
at the request of the Director of Development from the Facilities 33890
Establishment Fund (Fund 037) to the Capital Access Loan Program 33891
Fund (Fund 5S9). The transfer is subject to Controlling Board 33892
approval under section 166.03 of the Revised Code. 33893

Sec. 263.30.10. UNCLAIMED FUNDS TRANSFER 33894

(A) Notwithstanding division (A) of section 169.05 of the 33895
Revised Code, upon the request of the Director of Budget and 33896
Management, the Director of Commerce, prior to June 30, 2008, 33897
shall transfer to the Job Development Initiatives Fund (Fund 5AD) 33898
an amount not to exceed \$5,000,000 in cash of the unclaimed funds 33899
that have been reported by the holders of unclaimed funds under 33900
section 169.05 of the Revised Code, regardless of the allocation 33901
of the unclaimed funds described under that section. 33902

Notwithstanding division (A) of section 169.05 of the Revised 33903
Code, upon the request of the Director of Budget and Management, 33904
the Director of Commerce, prior to June 30, 2009, shall transfer 33905
to the Job Development Initiatives Fund (Fund 5AD) an amount not 33906
to exceed \$24,400,000 in cash of the unclaimed funds that have 33907
been reported by the holders of unclaimed funds under section 33908
169.05 of the Revised Code, regardless of the allocation of the 33909
unclaimed funds described under that section. 33910

(B) Notwithstanding division (A) of section 169.05 of the 33911
Revised Code, upon the request of the Director of Budget and 33912
Management, the Director of Commerce, prior to June 30, 2008, 33913
shall transfer to the State Special Projects Fund (Fund 4F2) an 33914
amount not to exceed ~~\$2,500,000~~ \$5,000,000 of the unclaimed funds 33915

that have been reported by the holders of unclaimed funds under 33916
section 169.05 of the Revised Code, regardless of the allocation 33917
of the unclaimed funds described under that section. 33918

Notwithstanding division (A) of section 169.05 of the Revised 33919
Code, upon the request of the Director of Budget and Management, 33920
the Director of Commerce, prior to June 30, 2009, shall transfer 33921
to the State Special Projects Fund (Fund 4F2) an amount not to 33922
exceed ~~\$2,500,000~~ \$1,000,000 in cash of the unclaimed funds that 33923
have been reported by the holders of unclaimed funds under section 33924
169.05 of the Revised Code, regardless of the allocation of the 33925
unclaimed funds described under that section. 33926

Sec. 269.30.30. GIFTED PUPIL PROGRAM 33927

The foregoing appropriation item 200-521, Gifted Pupil 33928
Program, shall be used for gifted education units not to exceed 33929
1,110 in each fiscal year under division (L) of section 3317.024 33930
and division (F) of section 3317.05 of the Revised Code. 33931

Of the foregoing appropriation item 200-521, Gifted Pupil 33932
Program, up to \$4,747,000 in fiscal year 2008 and up to \$4,794,470 33933
in fiscal year 2009 may be used as an additional supplement for 33934
identifying gifted students under Chapter 3324. of the Revised 33935
Code. 33936

Of the foregoing appropriation item 200-521, Gifted Pupil 33937
Program, the Department of Education may expend up to \$1,015,858 33938
in fiscal year 2008 and up to \$1,026,017 in fiscal year 2009 for 33939
the Summer Honors Institute, including funding for the Martin 33940
Essex Program, which shall be awarded through a request for 33941
proposals process. 33942

NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 33943

The foregoing appropriation item 200-532, Nonpublic 33944
Administrative Cost Reimbursement, shall be used by the Department 33945

of Education for the purpose of implementing section 3317.063 of 33946
the Revised Code. Notwithstanding the per pupil reimbursement 33947
limit of section 3317.063 of the Revised Code, the Department 33948
shall distribute any unspent and unencumbered funds remaining in 33949
each fiscal year after all other obligations of this appropriation 33950
have been met to chartered nonpublic schools in proportion to each 33951
school's share of the total reimbursement provided under section 33952
3317.063 of the Revised Code. 33953

Sec. 269.30.70. FOUNDATION FUNDING 33954

The foregoing appropriation item 200-550, Foundation Funding, 33955
includes \$75,000,000 in each fiscal year for the state education 33956
aid offset due to the change in public utility valuation as a 33957
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 33958
General Assembly. This amount represents the total state education 33959
aid offset due to the valuation change for school districts and 33960
joint vocational school districts from all relevant appropriation 33961
line item sources. Upon certification by the Department of 33962
Education, in consultation with the Department of Taxation, to the 33963
Director of Budget and Management of the actual state aid offset, 33964
the cash transfer from Fund 053, appropriation item 200-900, 33965
School District Property Tax Replacement - Utility, shall be 33966
decreased or increased by the Director of Budget and Management to 33967
match the certification in accordance with section 5727.84 of the 33968
Revised Code. 33969

The foregoing appropriation item 200-550, Foundation Funding, 33970
includes \$58,000,000 in fiscal year 2008 and \$145,000,000 in 33971
fiscal year 2009 for the state education aid offset because of the 33972
changes in tangible personal property valuation as a result of Am. 33973
Sub. H.B. 66 of the 126th General Assembly. This amount represents 33974
the total state education aid offset because of the valuation 33975
change for school districts and joint vocational school districts 33976

from all relevant appropriation item sources. Upon certification 33977
by the Department of Education of the actual state education aid 33978
offset to the Director of Budget and Management, the cash transfer 33979
from Fund 047, appropriation item 200-909, School District 33980
Property Tax Replacement - Business, shall be decreased or 33981
increased by the Director of Budget and Management to match the 33982
certification in accordance with section 5751.21 of the Revised 33983
Code. 33984

Of the foregoing appropriation item 200-550, Foundation 33985
Funding, up to \$425,000 shall be expended in each fiscal year for 33986
court payments under section ~~2151.357~~ 2151.362 of the Revised 33987
Code; an amount shall be available in each fiscal year to fund up 33988
to 225 full-time equivalent approved GRADS teacher grants under 33989
division (N) of section 3317.024 of the Revised Code; an amount 33990
shall be available in each fiscal year to make payments to school 33991
districts under division (A)(3) of section 3317.022 of the Revised 33992
Code; an amount shall be available in each fiscal year to make 33993
payments to school districts under division (F) of section 33994
3317.022 of the Revised Code; and up to \$30,000,000 in each fiscal 33995
year shall be reserved for payments under sections 3317.026, 33996
3317.027, and 3317.028 of the Revised Code except that the 33997
Controlling Board may increase the \$30,000,000 amount if presented 33998
with such a request from the Department of Education. 33999

Of the foregoing appropriation item 200-550, Foundation 34000
Funding, up to \$19,770,000 in fiscal year 2008 and up to 34001
\$20,545,200 in fiscal year 2009 shall be used to provide 34002
additional state aid to school districts for special education 34003
students under division (C)(3) of section 3317.022 of the Revised 34004
Code, except that the Controlling Board may increase these amounts 34005
if presented with such a request from the Department of Education 34006
at the final meeting of the fiscal year; up to \$2,000,000 in each 34007
fiscal year shall be reserved for Youth Services tuition payments 34008

under section 3317.024 of the Revised Code; and up to \$52,000,000 34009
in each fiscal year shall be reserved to fund the state 34010
reimbursement of educational service centers under section 3317.11 34011
of the Revised Code and the section of ~~this act~~ Am. Sub. H.B. 119 34012
of the 127th General Assembly entitled "EDUCATIONAL SERVICE 34013
CENTERS FUNDING." An amount shall be available for special 34014
education weighted funding under division (C)(1) of section 34015
3317.022 and division (D)(1) of section 3317.16 of the Revised 34016
Code. 34017

Of the foregoing appropriation item 200-550, Foundation 34018
Funding, an amount shall be available in each fiscal year to be 34019
used by the Department of Education for transitional aid for 34020
school districts and joint vocational school districts. Funds 34021
shall be distributed under the sections of ~~this act~~ Am. Sub. H.B. 34022
119 of the 127th General Assembly entitled "TRANSITIONAL AID FOR 34023
CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and 34024
"TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 34025

Of the foregoing appropriation item 200-550, Foundation 34026
Funding, up to \$1,000,000 in each fiscal year shall be used by the 34027
Department of Education for a program to pay for educational 34028
services for youth who have been assigned by a juvenile court or 34029
other authorized agency to any of the facilities described in 34030
division (A) of the section of ~~this act~~ Am. Sub. H.B. 119 of the 34031
127th General Assembly entitled "PRIVATE TREATMENT FACILITY 34032
PROJECT." 34033

Of the foregoing appropriation item 200-550, Foundation 34034
Funding, up to \$3,700,000 in each fiscal year shall be used for 34035
school breakfast programs. Of this amount, up to \$900,000 shall be 34036
used in each fiscal year by the Department of Education to 34037
contract with the Children's Hunger Alliance to expand access to 34038
child nutrition programs consistent with the organization's 34039
continued ability to meet specified performance measures as 34040

detailed in the contract. Of this amount, the Children's Hunger Alliance shall use at least \$150,000 in each fiscal year to subcontract with an appropriate organization or organizations to expand summer food participation in underserved areas of the state, consistent with those organizations' continued ability to meet specified performance measures as detailed in the subcontracts. The remainder of the appropriation shall be used to partially reimburse school buildings within school districts that are required to have a school breakfast program under section 3313.813 of the Revised Code, at a rate decided by the Department.

Of the foregoing appropriation item 200-550, Foundation Funding, up to \$8,686,000 in fiscal year 2008 and up to \$8,722,860 in fiscal year 2009 shall be used to operate the school choice program in the Cleveland Municipal School District under sections 3313.974 to 3313.979 of the Revised Code.

Of the portion of the funds distributed to the Cleveland Municipal School District under this section, up to \$11,901,887 in each fiscal year shall be used to operate the school choice program in the Cleveland Municipal School District under sections 3313.974 to 3313.979 of the Revised Code.

Of the foregoing appropriation item 200-550, Foundation Funding, \$3,312,165 in each fiscal year shall be used in conjunction with funding appropriated under appropriation item 200-431, School Improvement Initiatives, to help support districts in the development and implementation of their continuous improvements plans and provide technical assistance and support in accordance with Title I of the "No Child Left Behind Act of 2001."

The remaining portion of appropriation item 200-550, Foundation Funding, shall be expended for the public schools of city, local, exempted village, and joint vocational school districts, including base-cost funding, special education speech service enhancement funding, career-technical education weight

funding, career-technical education associated service funding, 34073
teacher training and experience funding, charge-off supplement, 34074
and excess cost supplement under sections 3317.022, 3317.023, 34075
3317.0216, and 3317.16 of the Revised Code. 34076

Appropriation items 200-502, Pupil Transportation, 200-521, 34077
Gifted Pupil Program, 200-540, Special Education Enhancements, and 34078
200-550, Foundation Funding, other than specific set-asides, are 34079
collectively used in each fiscal year to pay state formula aid 34080
obligations for school districts and joint vocational school 34081
districts under Chapter 3317. of the Revised Code. The first 34082
priority of these appropriation items, with the exception of 34083
specific set-asides, is to fund state formula aid obligations 34084
under Chapter 3317. of the Revised Code. It may be necessary to 34085
reallocate funds among these appropriation items or use excess 34086
funds from other general revenue fund appropriation items in the 34087
Department of Education's budget in each fiscal year, in order to 34088
meet state formula aid obligations. If it is determined that it is 34089
necessary to transfer funds among these appropriation items or to 34090
transfer funds from other General Revenue Fund appropriations in 34091
the Department of Education's budget to meet state formula aid 34092
obligations, the Department of Education shall seek approval from 34093
the Controlling Board to transfer funds as needed. 34094

Sec. 269.40.50. START-UP FUNDS 34095

Funds appropriated for the purpose of providing start-up 34096
grants to Title IV-A Head Start and Title IV-A Head Start Plus 34097
agencies in fiscal year 2004 and fiscal year 2005 for the 34098
provision of services to children eligible for Title IV-A services 34099
under the Title IV-A Head Start or Title IV-A Head Start Plus 34100
programs shall be reimbursed to the General Revenue Fund as 34101
follows: 34102

(A) If, for fiscal year 2008, an entity that was a Title IV-A 34103

Head Start or Title IV-A Head Start Plus agency will not be an 34104
early learning agency or early learning provider, the entity shall 34105
repay the entire amount of the start-up grant it received in 34106
fiscal year 2004 and fiscal year 2005 not later than June 30, ~~2009~~ 34107
2019, in accordance with a payment schedule agreed to by the 34108
Department of Education. 34109

(B) If an entity that was a Title IV-A Head Start or Title 34110
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 34111
2005 will be an early learning agency or early learning provider 34112
in fiscal year 2008 and fiscal year 2009, the entity shall be 34113
allowed to retain any amount of the start-up grant it received, 34114
unless division (D) of this section applies to the entity. In that 34115
case, the entity shall repay the entire amount of the obligation 34116
described in that division not later than June 30, 2019. 34117

(C) Within ninety days after ~~the effective date of this~~ 34118
section the effective date of this amendment, the Title IV-A Head 34119
Start agencies, Title IV-A Head Start Plus agencies, and the 34120
Department of Education shall determine the repayment schedule for 34121
amounts owed under division (A) of this section. These amounts 34122
shall be paid to the state not later than June 30, ~~2009~~ 2019. 34123

(D) If an entity that was a Title IV-A Head Start or Title 34125
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 34126
2005 owed the state any portion of the start-up grant amount 34127
during fiscal year 2006 or fiscal year 2007 but failed to repay 34128
the entire amount of the obligation by June 30, 2007, the entity 34129
shall be given an extension for repayment through June 30, ~~2009~~ 34130
2019, before any amounts remaining due and payable to the state 34131
are referred to the Attorney General for collection under section 34132
131.02 of the Revised Code. 34133

(E) Any Title IV-A Head Start or Title IV-A Head Start Plus 34134
start-up grants that are retained by early learning agencies or 34135

early learning providers pursuant to this section shall be 34136
reimbursed to the General Revenue Fund when the early learning 34137
program ceases or is no longer funded from Title IV-A or if an 34138
early learning agency's or early learning provider's participation 34139
in the early learning program ceases or is terminated. 34140

Sec. 269.50.30. EDUCATIONAL SERVICE CENTERS FUNDING 34141

(A) As used in this section: 34142

(1) "Internet- or computer-based community school" has the 34143
same meaning as in section 3314.02 of the Revised Code. 34144

(2) "Service center ADM" has the same meaning as in section 34145
3317.11 of the Revised Code. 34146

(3) "STEM school" means a science, technology, engineering, 34147
and mathematics school established under Chapter 3326. of the 34148
Revised Code. 34149

(B) Notwithstanding division (F) of section 3317.11 of the 34150
Revised Code, no funds shall be provided under that division to an 34151
educational service center in either fiscal year for any pupils of 34152
a city or exempted village school district unless an agreement to 34153
provide services under section 3313.843 of the Revised Code was 34154
entered into by January 1, 1997, except that funds shall be 34155
provided to an educational service center for any pupils of a city 34156
school district if the agreement to provide services was entered 34157
into within one year of the date upon which such district changed 34158
from a local school district to a city school district. 34159

If an educational service center that entered into an 34160
agreement by January 1, 1997, with a city or exempted village 34161
school district to provide services under section 3313.843 of the 34162
Revised Code ceases to operate because all of the local school 34163
districts that constituted the territory of the service center 34164
have severed from the service center pursuant to section 3311.059 34165

of the Revised Code, another educational service center, by 34166
resolution of its governing board, may assume the obligations of 34167
the original service center to provide services to the city or 34168
exempted village school district under that agreement in fiscal 34169
year 2009. If that other service center assumes those obligations 34170
to provide services to the city or exempted village school 34171
district, that service center shall be considered to be the 34172
service center that entered into the agreement by January 1, 1997, 34173
and, accordingly, may receive funds under division (F) of section 34174
3317.11 of the Revised Code in accordance with this section in 34175
fiscal year 2009 for pupils of that city or exempted village 34176
school district. 34177

(C) Notwithstanding any provision of the Revised Code to the 34178
contrary, an educational service center that sponsors a community 34179
school under Chapter 3314. of the Revised Code in either fiscal 34180
year may include the students of that community school in its 34181
service center ADM for purposes of state funding under division 34182
(F) of section 3317.11 of the Revised Code, unless the community 34183
school is an Internet- or computer-based community school. A 34184
service center shall include the community school students in its 34185
service center ADM only to the extent that the students are not 34186
already so included, and only in accordance with guidelines issued 34187
by the Department of Education. If the students of a community 34188
school sponsored by an educational service center are included in 34189
the service center ADM of another educational service center, 34190
those students shall be removed from the service center ADM of the 34191
other educational service center and added to the service center 34192
ADM of the community school's sponsoring service center. The 34193
General Assembly authorizes this procedure as an incentive for 34194
educational service centers to take over sponsorship of community 34195
schools from the State Board of Education as the State Board's 34196
sponsorship is phased out in accordance with Sub. H.B. 364 of the 34197
124th General Assembly. No student of an Internet- or 34198

computer-based community school shall be counted in the service center ADM of any educational service center. The Department shall pay educational service centers under division (F) of section 3317.11 of the Revised Code for community school students included in their service center ADMs under this division only if sufficient funds earmarked within appropriation item 200-550, Foundation Funding, for payments under that division remain after first paying for students attributable to their local and client school districts, in accordance with divisions (B) and ~~(D)~~(E) of this section.

(D) Notwithstanding division (C) of section 3326.45 of the Revised Code, the Department shall pay educational service centers under division (H) of section 3317.11 of the Revised Code for services provided to STEM schools only if sufficient funds earmarked within appropriation item 200-550, Foundation Funding, for payments under that division remain after first paying for students attributable to the local and client school districts of the service centers and for community school students in their service center ADMs, in accordance with divisions (B), (C), and (E) of this section.

(E) If insufficient funds are earmarked within appropriation item 200-550, Foundation Funding, for payments under ~~division~~ divisions (F) and (H) of section 3317.11 of the Revised Code and division (C) of this section in fiscal year 2008 or fiscal year 2009, the Department shall prioritize the distribution of the earmarked funds as follows:

(1) The Department shall first distribute to each educational service center the per-student amount specified in division (F) of section 3317.11 of the Revised Code for each student in its service center ADM attributable to the local school districts within the service center's territory.

(2) The Department shall distribute the remaining funds in

each fiscal year to each educational service center for the 34231
students in its service center ADM attributable to each city and 34232
exempted village school district that had entered into an 34233
agreement with an educational service center for that fiscal year 34234
under section 3313.843 of the Revised Code by January 1, 1997, up 34235
to the per-student amount specified in division (F) of section 34236
3317.11 of the Revised Code. If insufficient funds remain to pay 34237
each service center the full amount specified in division (F) of 34238
that section for each such student, the Department shall 34239
distribute the remaining funds to each service center 34240
proportionally, on a per-student basis for each such student, 34241
unless that proportional per-student amount exceeds the amount 34242
specified in division (F)(1) of that section. In that case, the 34243
Department shall distribute the per-student amount specified in 34244
division (F)(1) of that section to each service center for each 34245
such student and shall distribute the remainder proportionally, on 34246
a per-student basis for each such student, to the multi-county 34247
service centers described in division (F)(2) of that section. 34248

(3) If the Department has paid each service center under 34249
divisions ~~(D)~~(E)(1) and (2) of this section, the full amount 34250
specified in division (F) of section 3317.11 of the Revised Code 34251
for each student attributable to its local school districts and 34252
its client school districts described in division ~~(D)~~(E)(2) of 34253
this section the Department shall distribute any remaining funds 34254
proportionally, on a per-student basis, to each service center 34255
that sponsors a community school, other than an Internet- or 34256
computer-based community school, for the students included in the 34257
service center ADM under division (C) of this section. These 34258
payments shall not exceed per student the amount specified in 34259
division (F) of section 3317.11 of the Revised Code. 34260

(4) If the Department has paid each educational service 34261
center that sponsors a community school, other than an Internet- 34262

or computer-based community school, the full amount specified in 34263
division (F) of section 3317.11 of the Revised Code for each 34264
community school student included in the service center ADM under 34265
division (C) of this section, the Department shall distribute any 34266
remaining funds to each service center that is owed money under 34267
division (H) of section 3317.11 of the Revised Code for services 34268
provided to a STEM school. If insufficient funds remain to pay 34269
each service center the full amount calculated for it under 34270
division (H) of section 3317.11 of the Revised Code, the 34271
Department shall distribute the remaining funds proportionally, on 34272
a per-student basis, to each service center owed money under that 34273
division, unless that proportional per-student amount exceeds the 34274
per-student amount specified in any service center's contract 34275
entered into under section 3326.45 of the Revised Code. In that 34276
case, the Department shall distribute the lowest per-student 34277
amount specified in the service center contracts entered into 34278
under that section to each service center owed money under 34279
division (H) of section 3317.11 of the Revised Code and shall 34280
distribute the remainder proportionally, on a per-student basis, 34281
to service centers with contracts under section 3326.45 of the 34282
Revised Code that specify higher per-student amounts, but in no 34283
case shall the payments to any service center exceed the 34284
per-student amount specified in the service center's contract with 34285
the STEM school. 34286

Sec. 275.10. PAY EMPLOYEE BENEFITS FUNDS 34287

Accrued Leave Liability Fund Group				34288
806 995-666 Accrued Leave Fund	\$	69,584,560	\$ 76,038,787	34289
807 995-667 Disability Fund	\$	40,104,713	\$ 39,309,838	34290
TOTAL ALF Accrued Leave Liability				34291
Fund Group	\$	109,689,273	\$ 115,348,625	34292
Agency Fund Group				34293

124	995-673	Payroll Deductions	\$ 2,125,000,000	\$ 2,175,000,000	34294
808	995-668	State Employee Health Benefit Fund	\$ 499,240,000	\$ 550,922,742	34295
809	995-669	Dependent Care Spending Account	\$ 2,969,635	\$ 2,969,635	34296
810	995-670	Life Insurance Investment Fund	\$ 2,113,589	\$ 2,229,834	34297
811	995-671	Parental Leave Benefit Fund	\$ 3,994,806	\$ 4,234,495	34298
813	995-672	Health Care Spending Account	\$ 12,000,000	\$ 12,000,000	34299
TOTAL AGY Agency Fund Group			\$ 2,645,318,030	\$ 2,747,356,706	34300
TOTAL ALL BUDGET FUND GROUPS			\$ 2,755,007,303	\$ 2,862,705,331	34301

ACCRUED LEAVE LIABILITY FUND 34302

The foregoing appropriation item 995-666, Accrued Leave Fund, 34303
shall be used to make payments from the Accrued Leave Liability 34304
Fund (Fund 806), pursuant to section 125.211 of the Revised Code. 34305
If it is determined by the Director of Budget and Management that 34306
additional amounts are necessary, the amounts are appropriated. 34307

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 34308

The foregoing appropriation item 995-667, Disability Fund, 34309
shall be used to make payments from the State Employee Disability 34310
Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the 34311
Revised Code. If it is determined by the Director of Budget and 34312
Management that additional amounts are necessary, the amounts are 34313
appropriated. 34314

PAYROLL WITHHOLDING FUND 34315

The foregoing appropriation item 995-673, Payroll Deductions, 34316
shall be used to make payments from the Payroll Withholding Fund 34317
(Fund 124). If it is determined by the Director of Budget and 34318
Management that additional appropriation amounts are necessary, 34319

such amounts are hereby appropriated. 34320

STATE EMPLOYEE HEALTH BENEFIT FUND 34321

The foregoing appropriation item 995-668, State Employee 34322
Health Benefit Fund, shall be used to make payments from the State 34323
Employee Health Benefit Fund (Fund 808), pursuant to section 34324
124.87 of the Revised Code. If it is determined by the Director of 34325
Budget and Management that additional amounts are necessary, the 34326
amounts are appropriated. 34327

DEPENDENT CARE SPENDING ACCOUNT 34328

The foregoing appropriation item 995-669, Dependent Care 34329
Spending Account, shall be used to make payments from the 34330
Dependent Care Spending Account (Fund 809) to employees eligible 34331
for dependent care expenses. If it is determined by the Director 34332
of Budget and Management that additional amounts are necessary, 34333
the amounts are appropriated. 34334

LIFE INSURANCE INVESTMENT FUND 34335

The foregoing appropriation item 995-670, Life Insurance 34336
Investment Fund, shall be used to make payments from the Life 34337
Insurance Investment Fund (Fund 810) for the costs and expenses of 34338
the state's life insurance benefit program pursuant to section 34339
125.212 of the Revised Code. If it is determined by the Director 34340
of Budget and Management that additional amounts are necessary, 34341
the amounts are appropriated. 34342

PARENTAL LEAVE BENEFIT FUND 34343

The foregoing appropriation item 995-671, Parental Leave 34344
Benefit Fund, shall be used to make payments from the Parental 34345
Leave Benefit Fund (Fund 811) to employees eligible for parental 34346
leave benefits pursuant to section 124.137 of the Revised Code. If 34347
it is determined by the Director of Budget and Management that 34348
additional amounts are necessary, the amounts are appropriated. 34349

HEALTH CARE SPENDING ACCOUNT 34350

There is hereby established in the State Treasury the Health 34351
Care Spending Account Fund (Fund 813). The foregoing appropriation 34352
item 995-672, Health Care Spending Account, shall be used to make 34353
payments from the fund. The fund shall be under the supervision of 34354
the Department of Administrative Services and shall be used to 34355
make payments pursuant to state employees' participation in a 34356
flexible spending account for non-reimbursed health care expenses 34357
and pursuant to Section 125 of the Internal Revenue Code. All 34358
income derived from the investment of the fund shall accrue to the 34359
fund. If it is determined by the Director of Administrative 34360
Services that additional appropriation amounts are necessary, the 34361
Director of Administrative Services may request that the Director 34362
of Budget and Management increase such amounts. Such amounts are 34363
hereby appropriated. 34364

At the request of the Director of Administrative Services, 34365
the Director of Budget and Management shall transfer up to 34366
\$145,000 from the General Revenue Fund to the Health Care Spending 34367
Account Fund during fiscal years 2008 and 2009. This cash shall be 34368
transferred as needed to provide adequate cash flow for the Health 34369
Care Spending Account Fund during fiscal year 2008 and fiscal year 34370
2009. If funds are available at the end of fiscal years 2008 and 34371
2009, the Director of Budget and Management shall transfer cash up 34372
to the amount previously transferred in the respective year, plus 34373
interest income, back from the Health Care Spending Account (Fund 34374
813) to the General Revenue Fund. 34375

CASH TRANSFER TO ACCRUED LEAVE FUND 34376

The Director of Budget and Management may transfer 34377
\$100,080.79 in cash from the Dependent Care Spending Account Fund 34378
(Fund 809) to the Accrued Leave Fund (Fund 806) to correct an 34379
intrastate transfer voucher from the Department of Natural 34380
Resources that was mistakenly deposited into the Dependent Care 34381

<u>Spending Account Fund.</u>				34382
Sec. 293.10. DOH DEPARTMENT OF HEALTH				34383
General Revenue Fund				34384
GRF 440-407	Animal Borne Disease and Prevention	\$ 2,327,101	\$ 2,327,101	34385
GRF 440-412	Cancer Incidence Surveillance System	\$ 1,002,619	\$ 1,002,619	34386
GRF 440-413	Local Health Department Support	\$ 3,786,794	\$ 3,786,794	34387
GRF 440-416	Child and Family Health Services	\$ 9,522,874	\$ 9,622,874	34388
GRF 440-418	Immunizations	\$ 9,400,615	\$ 9,400,615	34389
GRF 440-425	Abstinence and Adoption Education	\$ 500,000	\$ 500,000	34390
GRF 440-431	Free Clinic Liability Insurance	\$ 250,000	\$ 250,000	34391
GRF 440-437	Healthy Ohio	\$ 1,502,618	\$ 2,855,553	34392
GRF 440-438	Breast and Cervical Cancer Screening	\$ 2,500,000	\$ 2,500,000	34393
GRF 440-444	AIDS Prevention and Treatment	\$ 7,158,127	\$ 7,158,127	34394
GRF 440-446	Infectious Disease Prevention	\$ 200,000	\$ 200,000	34395
GRF 440-451	Lab and Public Health Prevention Programs	\$ 6,085,250	\$ 6,085,250	34396
GRF 440-452	Child and Family Health Services Match	\$ 1,024,017	\$ 1,024,017	34397
GRF 440-453	Health Care Quality Assurance	\$ 10,253,728	\$ 10,253,728	34398
GRF 440-454	Local Environmental Health	\$ 889,752	\$ 889,752	34399

GRF 440-459	Help Me Grow	\$	10,923,397	\$	14,041,847	34400
GRF 440-505	Medically Handicapped Children	\$	10,791,784	\$	10,791,784	34401
GRF 440-507	Targeted Health Care Services Over 21	\$	1,681,023	\$	1,681,023	34402
GRF 440-511	Uncompensated Care and Emergency Medical Assistance	\$	0	\$	3,500,000	34403
TOTAL GRF	General Revenue Fund	\$	79,799,699	\$	87,871,084	34404
	General Services Fund Group					34405
142 440-646	Agency Health Services	\$	3,461,915	\$	3,461,915	34406
211 440-613	Central Support Indirect Costs	\$	28,884,707	\$	28,884,707	34407
473 440-622	Lab Operating Expenses	\$	4,954,045	\$	4,954,045	34408
683 440-633	Employee Assistance Program	\$	1,208,214	\$	1,208,214	34409
698 440-634	Nurse Aide Training	\$	170,000	\$	170,000	34410
TOTAL GSF	General Services Fund Group	\$	38,678,881	\$	38,678,881	34412
	Federal Special Revenue Fund Group					34413
320 440-601	Maternal Child Health Block Grant	\$	30,666,635	\$	30,666,635	34414
387 440-602	Preventive Health Block Grant	\$	7,826,659	\$	7,826,659	34415
389 440-604	Women, Infants, and Children	\$	230,077,451	\$	230,077,451	34416
391 440-606	Medicaid/Medicare	\$	24,850,959	\$	24,850,959	34417
392 440-618	Federal Public Health Programs	\$	136,778,215	\$	136,778,215	34418
TOTAL FED	Federal Special Revenue Fund Group	\$	430,199,919	\$	430,199,919	34420
	State Special Revenue Fund Group					34421

As Reported by the Senate Finance and Financial Institutions Committee

4D6	440-608	Genetics Services	\$	3,317,000	\$	3,317,000	34422
4F9	440-610	Sickle Cell Disease Control	\$	1,035,344	\$	1,035,344	34423
4G0	440-636	Heirloom Birth Certificate	\$	5,000	\$	5,000	34424
4G0	440-637	Birth Certificate Surcharge	\$	5,000	\$	5,000	34425
4L3	440-609	Miscellaneous Expenses	\$	446,468	\$	446,468	34426
<u>4P4</u>	<u>440-628</u>	<u>Ohio Physician Loan Repayment</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>476,870</u>	34427
4T4	440-603	Child Highway Safety	\$	233,894	\$	233,894	34428
4V6	440-641	Save Our Sight	\$	1,767,994	\$	1,767,994	34429
470	440-647	Fee Supported Programs	\$	27,996,243	\$	25,905,140	34430
471	440-619	Certificate of Need	\$	869,000	\$	898,000	34431
477	440-627	Medically Handicapped Children Audit	\$	3,693,016	\$	3,693,016	34432
5B5	440-616	Quality, Monitoring, and Inspection	\$	838,479	\$	838,479	34433
5CB	440-640	Poison Control Centers	\$	150,000	\$	150,000	34434
5CN	440-645	Choose Life	\$	75,000	\$	75,000	34435
5C0	440-615	Alcohol Testing and Permit	\$	1,455,405	\$	1,455,405	34436
5D6	440-620	Second Chance Trust	\$	1,054,951	\$	1,054,951	34437
5EC	440-650	Health Emergency	\$	15,312,500	\$	0	34438
5ED	440-651	Smoke Free Indoor Air	\$	800,000	\$	800,000	34439
5G4	440-639	Adoption Services	\$	20,000	\$	20,000	34440
5L1	440-623	Nursing Facility Technical Assistance Program	\$	664,282	\$	698,595	34441
<u>5Z7</u>	<u>440-624</u>	<u>Ohio Dental Loan Repayment</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>140,000</u>	34442
610	440-626	Radiation Emergency Response	\$	850,000	\$	850,000	34443

666 440-607 Medically Handicapped	\$	14,320,687	\$	14,320,687	34444
Children - County					
Assessments					
TOTAL SSR State Special Revenue					34445
Fund Group	\$	74,910,263	\$	57,569,973	34446
				<u>58,186,843</u>	
Holding Account Redistribution Fund Group					34447
R14 440-631 Vital Statistics	\$	70,000	\$	70,000	34448
R48 440-625 Refunds, Grants	\$	20,000	\$	20,000	34449
Reconciliation, and					
Audit Settlements					
TOTAL 090 Holding Account					34450
Redistribution Fund Group	\$	90,000	\$	90,000	34451
TOTAL ALL BUDGET FUND GROUPS	\$	623,678,762	\$	614,409,857	34452
				<u>615,026,727</u>	
Sec. 299.10. OHS OHIO HISTORICAL SOCIETY					34454
General Revenue Fund					34455
GRF 360-501 Operating Subsidy	\$	3,649,244	\$	3,649,252	34456
GRF 360-502 Site and Museum	\$	8,501,781	\$	8,501,788	34457
Operations				<u>8,357,176</u>	
GRF 360-504 Ohio Preservation	\$	417,516	\$	415,381	34458
Office					
GRF 360-505 National	\$	754,884	\$	754,884	34459
Afro-American Museum					
GRF 360-506 Hayes Presidential	\$	514,323	\$	514,323	34460
Center					
GRF 360-508 State Historical	\$	853,000	\$	775,000	34461
Grants					
TOTAL GRF General Revenue Fund	\$	14,690,748	\$	14,610,628	34462
TOTAL ALL BUDGET FUND GROUPS	\$	14,690,748	\$	14,610,628	34463
				<u>14,466,016</u>	

SUBSIDY APPROPRIATION 34464

Upon approval by the Director of Budget and Management, the 34465
foregoing appropriation items shall be released to the Ohio 34466
Historical Society in quarterly amounts that in total do not 34467
exceed the annual appropriations. The funds and fiscal records of 34468
the society for fiscal years 2008 and 2009 shall be examined by 34469
independent certified public accountants approved by the Auditor 34470
of State, and a copy of the audited financial statements shall be 34471
filed with the Office of Budget and Management. The society shall 34472
prepare and submit to the Office of Budget and Management the 34473
following: 34474

(A) An estimated operating budget for each fiscal year of the 34475
biennium. The operating budget shall be submitted at or near the 34476
beginning of each calendar year. 34477

(B) Financial reports, indicating actual receipts and 34478
expenditures for the fiscal year to date. These reports shall be 34479
filed at least semiannually during the fiscal biennium. 34480

The foregoing appropriations shall be considered to be the 34481
contractual consideration provided by the state to support the 34482
state's offer to contract with the Ohio Historical Society under 34483
section 149.30 of the Revised Code. 34484

STATE ARCHIVES 34485

Of the foregoing appropriation item 360-501, Operating 34486
Subsidy, \$300,000 in each fiscal year shall be used for the State 34487
Archives, Library, and Artifact Collections program. 34488

HAYES PRESIDENTIAL CENTER 34489

If a United States government agency, including, but not 34490
limited to, the National Park Service, chooses to take over the 34491
operations or maintenance of the Hayes Presidential Center, in 34492
whole or in part, the Ohio Historical Society shall make 34493

arrangements with the National Park Service or other United States 34494
government agency for the efficient transfer of operations or 34495
maintenance. 34496

HISTORICAL GRANTS 34497

Of the foregoing appropriation item 360-508, State Historical 34498
Grants, \$60,000 in fiscal year 2008 shall be distributed to the 34499
Paul Laurence Dunbar Home, \$75,000 in each fiscal year shall be 34500
distributed to the Center for Holocaust and Humanity Education 34501
located at the Hebrew Union College-Jewish Institute of Religion 34502
in Cincinnati, \$350,000 in each fiscal year shall be distributed 34503
to the Western Reserve Historical Society, \$350,000 in each fiscal 34504
year shall be distributed to the Cincinnati Museum Center, and up 34505
to \$18,000 in fiscal year 2008 shall be distributed to the 34506
Muskingum River Underground Railroad Historic Marker Project. 34507

PROCESSING FEES 34508

The Ohio Historical Society shall not charge or retain an 34509
administrative, service, or processing fee for distributing money 34510
that the General Assembly appropriates to the Society for grants 34511
or subsidies that the Society provides to other entities for their 34512
site-related programs. 34513

TRANSFER FOR STATEHOUSE TOURS AND EDUCATION 34514

On June 1, 2008, or as soon as possible thereafter, the 34515
Director of Budget and Management shall transfer \$12,297 cash from 34516
GRF appropriation item 360-502, Site and Museum Operations, to the 34517
Statehouse Gift Shop/Events Fund (Fund 4S70) in the Capitol Square 34518
Review and Advisory Board to support Statehouse tours and 34519
education staff. 34520

Sec. 307.10. INS DEPARTMENT OF INSURANCE 34521

Federal Special Revenue Fund Group 34522

3U5 820-602 OSHIIP Operating \$ 1,100,000 \$ 1,100,000 34523

Grant				
TOTAL FED Federal Special				34524
Revenue Fund Group	\$	1,100,000	\$ 1,100,000	34525
State Special Revenue Fund Group				34526
554 820-601 Operating Expenses -	\$	553,750	\$ 569,269	34527
OSHIIP				
554 820-606 Operating Expenses	\$	23,350,236	\$ 23,802,797	34528
555 820-605 Examination	\$	7,639,581	\$ 7,868,768	34529
<u>5AG 820-603 Ohio Family Health</u>	<u>\$</u>	<u>0</u>	<u>\$ 1,500,000</u>	34530
<u>Survey</u>				
TOTAL SSR State Special Revenue				34531
Fund Group	\$	31,543,567	\$ 32,240,834	34532
			<u>33,740,834</u>	
TOTAL ALL BUDGET FUND GROUPS	\$	32,643,567	\$ 33,340,834	34533
			<u>34,840,834</u>	
MARKET CONDUCT EXAMINATION				34534
When conducting a market conduct examination of any insurer				34535
doing business in this state, the Superintendent of Insurance may				34536
assess the costs of the examination against the insurer. The				34537
superintendent may enter into consent agreements to impose				34538
administrative assessments or fines for conduct discovered that				34539
may be violations of statutes or rules administered by the				34540
superintendent. All costs, assessments, or fines collected shall				34541
be deposited to the credit of the Department of Insurance				34542
Operating Fund (Fund 554).				34543
EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES				34544
The Director of Budget and Management, at the request of the				34545
Superintendent of Insurance, may transfer funds from the				34546
Department of Insurance Operating Fund (Fund 554), established by				34547
section 3901.021 of the Revised Code, to the Superintendent's				34548
Examination Fund (Fund 555), established by section 3901.071 of				34549
the Revised Code, only for expenses incurred in examining domestic				34550

fraternal benefit societies as required by section 3921.28 of the Revised Code. 34551
 34552

TRANSFER FROM FUND 554 TO GENERAL REVENUE FUND 34553

Not later than the thirty-first day of July each fiscal year, 34554
 the Director of Budget and Management shall transfer \$5,000,000 34555
 from the Department of Insurance Operating Fund to the General 34556
 Revenue Fund. 34557

OHIO FAMILY HEALTH SURVEY 34558

Notwithstanding section 3929.682 of the Revised Code, the 34559
foregoing appropriation item 820-603, Ohio Family Health Survey, 34560
shall be used for the Ohio Family Health Survey. 34561

Sec. 309.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 34562

General Revenue Fund 34563

GRF 600-321 Support Services 34564

State \$ 50,785,978 \$ 52,571,413 34565

Federal \$ 10,460,286 \$ 11,290,237 34566

Support Services Total \$ 61,246,264 \$ 63,861,650 34567

GRF 600-410 TANF State \$ 267,619,061 \$ 267,619,061 34568

GRF 600-413 Child Care \$ 84,120,596 \$ 84,120,596 34569

Match/Maintenance of
 Effort

GRF 600-416 Computer Projects 34570

State \$ 115,383,181 \$ 116,419,033 34571

Federal \$ 21,488,920 \$ 21,192,117 34572

Computer Projects Total \$ 136,872,101 \$ 137,611,150 34573

GRF 600-417 Medicaid Provider \$ 2,000,000 \$ 2,000,000 34574

Audits

GRF 600-420 Child Support \$ 8,541,446 \$ 10,641,446 34575

Administration

GRF 600-421 Office of Family \$ 4,614,932 \$ 4,614,932 34576

	Stability				
GRF 600-423	Office of Children and Families	\$ 5,650,000	\$ 5,900,000		34577
GRF 600-425	Office of Ohio Health Plans				34578
	State	\$ 22,500,000	\$ 22,500,000		34579
	Federal	\$ 23,324,848	\$ 23,418,368		34580
	Office of Ohio Health Plans Total	\$ 45,824,848	\$ 45,918,368		34581
GRF 600-502	Administration - Local	\$ 34,014,103	\$ 34,014,103		34582
GRF 600-511	Disability Financial Assistance	\$ 22,128,480	\$ 25,335,908		34583
GRF 600-512	Non-TANF Disaster Assistance	\$ 1,000,000	\$ 1,000,000		34584
GRF 600-521	Entitlement Administration - Local	\$ 130,000,000	\$ 130,000,000		34585
GRF 600-523	Children and Families Services	\$ 78,115,135	\$ 78,115,135		34586
GRF 600-525	Health Care/Medicaid State	\$ 3,371,917,993	\$ 3,603,598,928		34588
			<u>3,673,819,292</u>		
	Federal	\$ 5,173,236,576	\$ 5,736,989,273		34589
			<u>5,865,064,895</u>		
	Health Care Total	\$ 8,545,154,569	\$ 9,340,588,201		34590
			<u>9,538,884,187</u>		
GRF 600-526	Medicare Part D	\$ 254,397,401	\$ 271,854,640		34591
GRF 600-528	Adoption Services State	\$ 37,520,466	\$ 43,978,301		34592
	Federal	\$ 41,304,043	\$ 49,196,065		34593
	Adoption Services Total	\$ 78,824,509	\$ 93,174,366		34594
GRF 600-529	Capital Compensation Program	\$ 7,000,000	\$ 0		34595
GRF 600-534	Adult Protective	\$ 500,000	\$ 500,000		34596

Services			
TOTAL GRF General Revenue Fund			34598
State	\$ 4,497,808,772	\$ 4,754,783,496	34599
		<u>4,825,003,860</u>	
Federal	\$ 5,269,814,673	\$ 5,842,086,060	34600
		<u>5,970,161,682</u>	
GRF Total	\$ 9,767,623,445	\$10,596,869,556	34601
		<u>10,795,165,542</u>	
General Services Fund Group			34602
4A8 600-658 Child Support	\$ 26,680,794	\$ 26,680,794	34603
Collections		<u>31,929,211</u>	
4R4 600-665 BCII Services/Fees	\$ 36,974	\$ 36,974	34604
5BG 600-653 Managed Care	\$ 210,655,034	\$ 222,667,304	34605
Assessment			
5C9 600-671 Medicaid Program	\$ 80,120,048	\$ 80,120,048	34606
Support			
5DL 600-639 Medicaid Revenue and	\$ 51,966,785	\$ 56,296,844	34607
Collections		<u>76,296,844</u>	
5N1 600-677 County Technologies	\$ 1,000,000	\$ 1,000,000	34608
5P5 600-692 Health Care Services	\$ 93,000,000	\$ 62,000,000	34609
		<u>82,000,000</u>	
613 600-645 Training Activities	\$ 135,000	\$ 135,000	34610
TOTAL GSF General Services			34611
Fund Group	\$ 463,594,635	\$ 448,936,964	34612
		<u>494,185,381</u>	
Federal Special Revenue Fund Group			34613
3AW 600-675 Faith Based	\$ 1,000,000	\$ 1,000,000	34614
Initiatives			
3A2 600-641 Emergency Food	\$ 2,900,000	\$ 3,500,000	34615
Distribution			
3D3 600-648 Children's Trust Fund	\$ 2,040,524	\$ 2,040,524	34616
Federal			

3F0	600-623	Health Care Federal	\$1,209,188,383	\$ 1,211,196,561	34617
				<u>1,280,775,536</u>	
3F0	600-650	Hospital Care Assurance Match	\$ 343,239,047	\$ 343,239,047	34618
3G5	600-655	Interagency Reimbursement	\$1,469,763,073	\$ 1,513,855,965	34619
3H7	600-617	Child Care Federal	\$ 207,269,463	\$ 200,167,593	34620
3N0	600-628	IV-E Foster Care Maintenance	\$ 153,963,142	\$ 153,963,142	34621
3S5	600-622	Child Support Projects	\$ 534,050	\$ 534,050	34622
3V0	600-688	Workforce Investment Act	\$ 232,568,453	\$ 233,082,144	34623
3V4	600-678	Federal Unemployment Programs	\$ 147,411,858	\$ 152,843,414	34624
3V4	600-679	Unemployment Compensation Review Commission - Federal	\$ 3,092,890	\$ 3,191,862	34625
3V6	600-689	TANF Block Grant	\$1,037,739,200	\$ 1,085,861,099	34626
3W3	600-659	TANF/Title XX Transfer	\$ 10,081,377	\$ 6,672,366	34627
327	600-606	Child Welfare	\$ 48,514,502	\$ 47,947,309	34628
331	600-686	Federal Operating	\$ 53,963,318	\$ 56,263,225	34629
384	600-610	Food Stamps and State Administration	\$ 160,237,060	\$ 153,147,118	34630
385	600-614	Refugee Services	\$ 10,196,547	\$ 11,057,826	34631
395	600-616	Special Activities/Child and Family Services	\$ 5,723,131	\$ 5,717,151	34632
396	600-620	Social Services Block Grant	\$ 114,479,464	\$ 114,474,085	34633
396	600-651	Second Harvest Food Banks	\$ 5,500,000	\$ 5,500,000	34634

397	600-626	Child Support	\$	303,661,307	\$	303,538,962	34635
398	600-627	Adoption Maintenance/ Administration	\$	318,172,168	\$	317,483,676	34636
TOTAL FED Federal Special Revenue							34637
Fund Group			\$	5,841,238,957	\$	5,926,277,119 <u>5,995,856,094</u>	34638
State Special Revenue Fund Group							34639
198	600-647	Children's Trust Fund	\$	6,788,522	\$	6,788,522	34640
4A9	600-607	Unemployment Compensation Administration Fund	\$	12,273,062	\$	12,188,996	34641
4A9	600-694	Unemployment Compensation Review Commission	\$	1,726,938	\$	1,811,004	34642
4E3	600-605	Nursing Home Assessments	\$	4,759,914	\$	4,759,914	34643
4E7	600-604	Child and Family Services Collections	\$	300,000	\$	300,000	34644
4J5	600-613	Nursing Facility Bed Assessments	\$	34,613,984	\$	34,613,984	34645
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	34646
4K1	600-621	ICF/MR Bed Assessments	\$	19,332,437	\$	19,332,437 <u>23,292,437</u>	34647
4R3	600-687	Banking Fees	\$	800,000	\$	800,000	34648
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	34649
<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>	34650
5DB	600-637	Military Injury Grants	\$	2,000,000	\$	2,000,000	34651
5ES	600-630	Food Assistance	\$	500,000	\$	500,000	34652
5F2	600-667	Building Consolidation	\$	250,000	\$	250,000	34653

5F3	600-668	Building	\$	1,000,000	\$	1,000,000	34654
		Consolidation					
5Q9	600-619	Supplemental	\$	56,125,998	\$	56,125,998	34655
		Inpatient Hospital					
		Payments					
5R2	600-608	Medicaid-Nursing	\$	175,000,000	\$	175,000,000	34656
		Facilities					
5S3	600-629	MR/DD Medicaid	\$	1,620,960	\$	1,620,960	34657
		Administration and					
		Oversight					
5U3	600-654	Health Care Services	\$	9,867,284	\$	12,000,349	34658
		Administration					
5U6	600-663	Children and Family	\$	4,928,718	\$	4,928,718	34659
		Support					
5Z9	600-672	TANF Quality Control	\$	520,971	\$	546,254	34660
		Reinvestments					
651	600-649	Hospital Care	\$	231,893,404	\$	231,893,404	34661
		Assurance Program					
		Fund					
TOTAL SSR		State Special Revenue					34662
Fund Group			\$	590,002,192	\$	592,160,540	34663
						<u>600,520,540</u>	
Agency Fund Group							34664
192	600-646	Support Intercept -	\$	110,000,000	\$	110,000,000	34665
		Federal					
5B6	600-601	Food Stamp Intercept	\$	2,000,000	\$	2,000,000	34666
583	600-642	Support Intercept -	\$	16,000,000	\$	16,000,000	34667
		State					
TOTAL AGY		Agency Fund Group	\$	128,000,000	\$	128,000,000	34668
Holding Account		Redistribution Fund Group					34669
R12	600-643	Refunds and Audit	\$	3,600,000	\$	3,600,000	34670
		Settlements					

R13	600-644	Forgery Collections	\$	10,000	\$	10,000	34671
TOTAL	090	Holding Account	\$	3,610,000	\$	3,610,000	34672
Redistribution Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$16,794,069,229	\$17,695,854,179			34673
						<u>18,017,337,557</u>	

BUDGET STABILIZATION FUND TRANSFER FOR MEDICAID 34674

Notwithstanding section 127.14 of the Revised Code, if the 34675
Director of Budget and Management determines that additional 34676
appropriations are needed to fund the Medicaid program, the 34677
Director may, with Controlling Board approval, transfer up to 34678
\$63,333,420 cash in fiscal year 2009 from the Budget Stabilization 34679
Fund to the General Revenue Fund. Upon approval from the 34680
Controlling Board, the Director of Budget and Management shall 34681
transfer the approved amounts of cash, increase the state share of 34682
appropriations to line item 600-525, Health Care/Medicaid, and 34683
adjust the federal share accordingly. Any such transfers and 34684
adjustments are hereby appropriated. 34685

Sec. 309.30.13. CHILDREN'S HOSPITALS 34686

(A) As used in this section: 34687

"Children's hospital" means a hospital that primarily serves 34688
patients eighteen years of age and younger and is excluded from 34689
Medicare prospective payment in accordance with 42 C.F.R. 34690
412.23(d). 34691

"Medicaid inpatient cost-to-charge ratio" means the historic 34692
Medicaid inpatient cost-to-charge ratio applicable to a hospital 34693
as described in rules adopted by the Director of Job and Family 34694
Services in paragraph (B)(2) of rule 5101:3-2-22 of the 34695
Administrative Code. 34696

(B) Notwithstanding paragraph (C)(5) of rule 5101:3-2-07.9 of 34697
the Administrative Code and except as provided in division (C) of 34698

this section, the Director of Job and Family Services shall pay a 34699
children's hospital that meets the criteria in paragraphs (E)(1) 34700
and (2) of rule 5101:3-2-07.9 of the Administrative Code, for each 34701
cost outlier claim made in fiscal years 2008 and 2009, an amount 34702
that is the product of the hospital's allowable charges and the 34703
hospital's Medicaid inpatient cost-to-charge ratio. 34704

(C) The Director of Job and Family Services shall cease 34705
paying a children's hospital for a cost outlier claim under the 34706
methodology in division (B) of this section and revert to paying 34707
the hospital for such a claim according to methodology in 34708
paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the 34709
Administrative Code, as applicable, when the difference between 34710
the total amount the Director has paid according to the 34711
methodology in division (B) of this section for such claims and 34712
the total amount the Director would have paid according to the 34713
methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of 34714
the Administrative Code, as the applicable paragraph existed on 34715
June 30, 2007, for such claims, exceeds the sum of the state funds 34716
and corresponding federal match earmarked in division (F) of this 34717
section and reappropriated in division (G) of this section for the 34718
applicable fiscal year. 34719

(D) The Director of Job and Family Services shall make 34720
supplemental Medicaid payments to hospitals for inpatient services 34721
under a program modeled after the program the Department of Job 34722
and Family Services was required to create for fiscal years 2006 34723
and 2007 in Section 206.66.79 of Am. Sub. H.B. 66 of the 126th 34724
General Assembly if the difference between the total amount the 34725
Director has paid according to the methodology in division (B) of 34726
this section for cost outlier claims and the total amount the 34727
Director would have paid according to the methodology in paragraph 34728
(A)(6) or (C)(5) of rule 5101:3-2-07.9 of the Administrative Code 34729
for such claims, as the applicable paragraph existed on June 30, 34730

2007, does not require the expenditure of all state and federal 34731
funds earmarked in division (F) of this section for the applicable 34732
fiscal year. 34733

(E) The Director of Job and Family Services shall not adopt, 34734
amend, or rescind any rules that would result in decreasing the 34735
amount paid to children's hospitals under division (B) of this 34736
section for cost outlier claims. 34737

(F) Of the foregoing appropriation item, 600-525, Health 34738
Care/Medicaid, up to \$6 million (state share) in each fiscal year 34739
plus the corresponding federal match, if available, shall be used 34740
by the Department to pay the amounts described in division (B) of 34741
this section. 34742

(G) The unencumbered balance of the \$6 million in division 34743
(F) of this section at the end of fiscal year 2008 is hereby 34744
reappropriated to appropriation item 600-525, Health 34745
Care/Medicaid, for fiscal year 2009 to be used by the Department 34746
to pay the amounts described in division (B) of this section. The 34747
Director of Budget and Management shall increase the state share 34748
of appropriations in appropriation item 600-525, Health 34749
Care/Medicaid, by the amount of the unencumbered balance of the \$6 34750
million, with a corresponding increase in the federal share. The 34751
Department shall expend, not later than June 30, 2009, the entire 34752
amount of the unencumbered balance of the \$6 million 34753
reappropriated to appropriation item 600-525, Health 34754
Care/Medicaid, for fiscal year 2009 by this division, by the 34755
corresponding increase in the federal share, and the \$6 million 34756
plus the corresponding federal match earmarked for fiscal year 34757
2009 by division (F) of this section to pay the amounts described 34758
in division (B) of this section. 34759

Sec. 309.30.30. FISCAL YEAR 2009 MEDICAID REIMBURSEMENT 34760
SYSTEM FOR NURSING FACILITIES 34761

(A) As used in this section:	34762
<u>(1) "Capital costs," "cost of ownership," and "renovation"</u>	34763
<u>have the same meanings as in section 5111.20 of the Revised Code</u>	34764
<u>as that section existed on June 30, 2005.</u>	34765
<u>(2) "Fiscal year 2008 rate" means the rate a provider of a</u>	34766
<u>nursing facility is paid for nursing facility services the nursing</u>	34767
<u>facility provides on June 30, 2008.</u>	34768
<u>(3) "Franchise permit fee," "inpatient days," "Medicaid</u>	34769
<u>days," "nursing facility," and "provider" have the same meanings</u>	34770
<u>as in section 5111.20 of the Revised Code.</u>	34771
<u>(4) "Nursing facility services" means nursing facility</u>	34772
<u>services covered by the Medicaid program that a nursing facility</u>	34773
<u>provides to a resident of the nursing facility who is a Medicaid</u>	34774
<u>recipient eligible for Medicaid-covered nursing facility services.</u>	34775
	34776
<u>(5) "Reviewable activity" has the same meaning as in section</u>	34777
<u>3702.51 of the Revised Code.</u>	34778
<u>(6) "Type A nursing facility" means a nursing facility that</u>	34779
<u>qualifies for a per diem under Section 309.30.42 of Am. Sub. H.B.</u>	34780
<u>119 of the 127th General Assembly, as amended by this act and is</u>	34781
<u>not a type G nursing facility.</u>	34782
<u>(7) "Type B nursing facility" means a nursing facility to</u>	34783
<u>which both of the following apply:</u>	34784
<u>(a) Both of the following occurred during the last quarter of</u>	34785
<u>fiscal year 2008:</u>	34786
<u>(i) The facility obtained certification as a nursing facility</u>	34787
<u>from the Director of Health.</u>	34788
<u>(ii) The facility began participating in the Medicaid</u>	34789
<u>program.</u>	34790
<u>(b) An application for a certificate of need for the nursing</u>	34791

facility was filed with the Director of Health before June 15, 2005. 34792
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(8) "Type C nursing facility" means a nursing facility to which all of the following apply: 34794
34795

(a) The nursing facility is not a type B nursing facility. 34796

(b) The nursing facility, during the last quarter of fiscal year 2008, completed a capital project for which a certificate of need was filed with the Director of Health before June 15, 2005, and for which at least one of the following occurred before July 1, 2005, or, if the capital project is undertaken to comply with rules adopted by the Public Health Council regarding resident room size or occupancy, before June 30, 2007: 34797
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34799
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34801
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(i) Any materials or equipment for the capital project were delivered; 34804
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(ii) Preparations for the physical site of the capital project, including, if applicable, excavation, began; 34806
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(iii) Actual work on the capital project began. 34808

(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. 34809
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34811
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(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: 34813
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34815

(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. 34816
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34818
34819

(b) At least one of the following occurred before July 1, 2005, or, if the nursing facility undertakes the activity to 34820
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<u>comply with rules adopted by the Public Health Council regarding</u>	34822
<u>resident room size or occupancy, before June 30, 2007:</u>	34823
<u>(i) Any materials or equipment for the activity were</u>	34824
<u>delivered.</u>	34825
<u>(ii) Preparations for the physical site of the activity,</u>	34826
<u>including, if applicable, excavation, began.</u>	34827
<u>(iii) Actual work on the activity began.</u>	34828
<u>(c) The provider of the nursing facility files a three-month</u>	34829
<u>projected capital cost report for the nursing facility with the</u>	34830
<u>Director of Job and Family Services not later than ninety days</u>	34831
<u>after the date the activity is completed.</u>	34832
<u>(10) "Type E nursing facility" means a nursing facility that,</u>	34833
<u>during the last quarter of fiscal year 2008, completed a</u>	34834
<u>renovation to which all of the following apply:</u>	34835
<u>(a) The Director of Job and Family Services approved the</u>	34836
<u>renovation before July 1, 2005.</u>	34837
<u>(b) At least one of the following occurred before July 1,</u>	34838
<u>2005, or, if the nursing facility undertakes the renovation to</u>	34839
<u>comply with rules adopted by the Public Health Council regarding</u>	34840
<u>resident room size or occupancy, before June 30, 2007:</u>	34841
<u>(i) Any materials or equipment for the renovation were</u>	34842
<u>delivered.</u>	34843
<u>(ii) Preparations for the physical site of the renovation,</u>	34844
<u>including, if applicable, excavation, began.</u>	34845
<u>(iii) Actual work on the renovation began.</u>	34846
<u>(c) The provider of the nursing facility files a three-month</u>	34847
<u>projected capital cost report for the nursing facility with the</u>	34848
<u>Director of Job and Family Services not later than ninety days</u>	34849
<u>after the date the renovation is completed.</u>	34850

<u>(11) "Type F nursing facility" means a nursing facility to</u>	34851
<u>which all of the following apply:</u>	34852
<u>(a) The nursing facility, during either the first or second</u>	34853
<u>quarter of fiscal year 2009, completed a capital project for which</u>	34854
<u>the Director of Health approved a certificate of need on December</u>	34855
<u>22, 2003.</u>	34856
<u>(b) The nursing facility has one hundred ninety-two beds.</u>	34857
<u>(c) The provider of the nursing facility files a three-month</u>	34858
<u>projected capital cost report for the nursing facility with the</u>	34859
<u>Director of Job and Family Services not later than ninety days</u>	34860
<u>after the date the capital project is completed.</u>	34861
<u>(12) "Type G nursing facility" means a new nursing facility</u>	34862
<u>to which all of the following apply:</u>	34863
<u>(a) The provider of the new nursing facility is a nonprofit</u>	34864
<u>corporation exempt from federal income taxation.</u>	34865
<u>(b) The provider of the new nursing facility received a</u>	34866
<u>certificate of need from the Director of Health before June 15,</u>	34867
<u>2005, to construct the new nursing facility.</u>	34868
<u>(c) The new nursing facility began participation in the</u>	34869
<u>Medicaid program during fiscal year 2006.</u>	34870
<u>(d) The new nursing facility replaced an older nursing</u>	34871
<u>facility that provided nursing facility services on the date</u>	34872
<u>immediately before the date the new nursing facility began</u>	34873
<u>participation in the Medicaid program.</u>	34874
<u>(e) The new nursing facility is located on the same campus as</u>	34875
<u>the older nursing facility that the new nursing facility replaced.</u>	34876
(B) Except as otherwise provided by this section, the	34877
provider of a nursing facility that has a valid Medicaid provider	34878
agreement on June 30, 2008, and a valid Medicaid provider	34879
agreement during fiscal year 2009 shall be paid, for nursing	34880

facility services the nursing facility provides during fiscal year 2009, the rate calculated for the nursing facility under sections 5111.20 to 5111.33 of the Revised Code with the following adjustments:

(1) The cost per case mix-unit calculated under section 5111.231 of the Revised Code, the rate for ancillary and support costs calculated under section 5111.24 of the Revised Code, the rate for capital costs calculated under section 5111.25 of the Revised Code, and the rate for tax costs calculated under section 5111.242 of the Revised Code shall each be adjusted as follows:

(a) Increase the cost and rates so calculated by two per cent;

(b) Increase the cost and rates determined under division (B)(1)(a) of this section by two per cent;

(c) Increase the cost and rates determined under division (B)(1)(b) of this section by one per cent.

(2) The mean payment used in the calculation of the quality incentive payment made under section 5111.244 of the Revised Code shall be, weighted by Medicaid days, three dollars and three cents per Medicaid day.

(C) ~~If Except as provided in division (F) of this section, if the rate determined for a nursing facility under division (B) of this section for nursing facility services provided during fiscal year 2009 is more than one hundred two and seventy-five hundredths per cent of the sum of the nursing facility's fiscal year 2008 rate the provider is paid for nursing facility services the nursing facility provides on June 30, 2008 and the amount specified in division (D) of this section, the Department of Job and Family Services shall reduce the nursing facility's fiscal year 2009 rate so that the rate is not more than one hundred two and seventy-five hundredths per cent of the nursing facility's~~

~~rate for June 30, 2008 that sum. If Except as provided in division (F) of this section, if the rate determined for a nursing facility under division (B) of this section for nursing facility services provided during fiscal year 2009 is less than the sum of the nursing facility's fiscal year 2008 rate the provider is paid for nursing facility services the nursing facility provides on June 30, 2008 and the amount specified in division (D) of this section, the Department shall increase the nursing facility's fiscal year 2009 rate so that the rate is not less than the nursing facility's rate for June 30, 2008 that sum.~~

(D) Subject to division (E) of this section, the following amount shall be added to a nursing facility's fiscal year 2008 rate for the purpose of determining the ceiling and floor under division (C) of this section:

(1) If the nursing facility is a type A nursing facility, the amount of the per diem for which the nursing facility qualifies under Section 309.30.42 of Am. Sub. H.B. 119 of the 127th General Assembly, as amended by this act;

(2) If the nursing facility is a type B nursing facility, the amount that is the difference between 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:

(a) Eighty-eight and sixty-five hundredths per cent of the nursing facility's cost of ownership as reported on its three-month projected capital cost report divided by the greater of the number of inpatient days the nursing facility is expected to have during the period covered by the projected capital cost report or the number of inpatient days the nursing facility would have during that period if the nursing facility's occupancy rate was eighty per cent;

(b) The maximum capital per diem rate in effect for fiscal year 2005 for nursing facilities. 34943
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(3) If the nursing facility is a type C nursing facility, type D nursing facility, or type F nursing facility, the amount that is the difference between the capital costs portion of the nursing facility's fiscal year 2008 rate and the lesser of the following: 34945
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(a) Eighty-eight and sixty-five hundredths per cent of the nursing facility's cost of ownership as reported on its three-month projected capital cost report divided by the greater of the number of inpatient days the nursing facility is expected to have during the period covered by the projected capital cost report or the number of inpatient days the nursing facility would have during that period if the nursing facility's occupancy rate was ninety-five per cent; 34950
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(b) The maximum capital per diem rate in effect for fiscal year 2005 for nursing facilities. 34958
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(4) If the nursing facility is a type E nursing facility, the amount that is equal to eighty-five per cent of the nursing facility's capital costs for the renovation as reported on its three-month projected capital cost report divided by the greater of the number of inpatient days the nursing facility is expected to have during the period covered by the projected capital cost report or the number of inpatient days the nursing facility would have during that period if the nursing facility's occupancy rate was ninety-five per cent; 34960
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(5) If the nursing facility is not a type A nursing facility, type B nursing facility, type C nursing facility, type D nursing facility, type E nursing facility, type F nursing facility, or type G nursing facility, zero. 34969
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(E) The amount to be added to the fiscal year 2008 rate of a 34973

type A nursing facility, type B nursing facility, type C nursing facility, type D nursing facility, type E nursing facility, or type F nursing facility for the purpose of determining the ceiling and floor under division (C) of this section shall be zero until the later of the following: 34974
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(1) July 1, 2008; 34979

(2) The first day of the month following the month in which the provider files the three-month projected capital cost report for the nursing facility with the Director of Job and Family Services. 34980
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(F) Subject to division (G) of this section, if the rate determined for a type G nursing facility under division (B) of this section for nursing facility services provided during fiscal year 2009 is more than one hundred two and seventy-five hundredths per cent of the sum of the rate the provider was paid for nursing facility services that the older nursing facility the type G nursing facility replaced provided on July 1, 2005, and the amount of the per diem for which the type G nursing facility qualifies under Section 309.30.42 of Am. Sub. H.B. 119 of the 127th General Assembly, as amended by this act, the Department of Job and Family Services shall reduce the type G nursing facility's fiscal year 2009 rate so that the rate is not more than one hundred two and seventy-five hundredths per cent of that sum. Subject to division (G) of this section, if the rate determined for a type G nursing facility under division (B) of this section for nursing facility services provided during fiscal year 2009 is less than ninety-eight per cent of the sum of the rate the provider was paid for nursing facility services that the older nursing facility the type G nursing facility replaced provided on July 1, 2005, and the amount of the per diem for which the type G nursing facility qualifies under Section 309.30.42 of Am. Sub. H.B. 119 of the 127th General Assembly, as amended by this act, the Department 34984
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shall increase the qualified replacement nursing facility's fiscal year 2009 rate so that the rate is not less than ninety-eight per cent of that sum.

(G) The amount to be added to the rate the provider of a type G nursing facility was paid for nursing facility services that the older nursing facility the type G nursing facility replaced provided on July 1, 2005, for the purpose of determining the ceiling and floor under division (F) of this section shall be zero rather than the amount of the per diem for which the type G nursing facility qualifies under Section 309.30.42 of Am. Sub. H.B. 119 of the 127th General Assembly, as amended by this act, until the later of the following:

(1) July 1, 2008;

(2) The first day of the month following the month in which the provider files the three-month projected capital cost report for the nursing facility with the Director of Job and Family Services.

(H) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department of Job and Family Services shall reduce the amount it pays providers of nursing facility services under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

~~(E)~~(I) The Department of Job and Family Services shall follow this section in determining the rate to be paid to the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2008, and a valid Medicaid provider agreement during fiscal year 2009 notwithstanding anything to the contrary in sections 5111.20 to 5111.33 of the Revised Code.

(J) Not later than sixty days after the effective date of the

amendments to this section, the Director of Job and Family Services shall submit an amendment to the state Medicaid plan to the United States Secretary of Health and Human Services as necessary to implement the amendments to this section. On receipt of the United States Secretary's approval of the amendment to the state Medicaid plan, the Director shall implement the amendments to this section retroactive to the effective date of the state Medicaid plan amendment.

Sec. 309.30.40. FISCAL YEARS 2008 AND 2009 MEDICAID REIMBURSEMENT SYSTEM FOR ICFs/MR

(A) As used in this section:

"Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.

"Medicaid days" means all days during which a resident who is a Medicaid recipient occupies a bed in an intermediate care facility for the mentally retarded that is included in the facility's Medicaid-certified capacity. Therapeutic or hospital leave days for which payment is made under section 5111.33 of the Revised Code are considered Medicaid days proportionate to the percentage of the intermediate care facility for the mentally retarded's per resident per day rate paid for those days.

"Per diem rate" means the per diem rate calculated pursuant to sections 5111.20 to 5111.33 of the Revised Code.

(B) Notwithstanding sections 5111.20 to 5111.33 of the Revised Code, rates paid to intermediate care facilities for the mentally retarded under the Medicaid program shall be subject to the following limitations:

(1) For fiscal year 2008, the mean total per diem rate for all intermediate care facilities for the mentally retarded in the state, weighted by May 2007 Medicaid days and calculated as of

July 1, 2007, shall not exceed \$266.14. 35067

(2) For fiscal year 2009, the mean total per diem rate for 35068
all intermediate care facilities for the mentally retarded in the 35069
state, weighted by May 2008 Medicaid days and calculated as of 35070
July 1, 2008, shall not exceed ~~\$271.46~~ \$274.98. 35071

(3) If the mean total per diem rate for all intermediate care 35072
facilities for the mentally retarded in the state for fiscal year 35073
2008 or 2009, weighted by Medicaid days as specified in division 35074
(B)(1) or (2) of this section, as appropriate, and calculated as 35075
of the first day of July of the calendar year in which the fiscal 35076
year begins, exceeds the amount specified in division (B)(1) or 35077
(2) of this section, as applicable, the Department of Job and 35078
Family Services shall reduce the total per diem rate for each 35079
intermediate care facility for the mentally retarded in the state 35080
by a percentage that is equal to the percentage by which the mean 35081
total per diem rate exceeds the amount specified in division 35082
(B)(1) or (2) of this section for that fiscal year. 35083

(4) Subsequent to any reduction required by division (B)(3) 35084
of this section, the rate of an intermediate care facility for the 35085
mentally retarded shall not be subject to any adjustments 35086
authorized by sections 5111.20 to 5111.33 of the Revised Code 35087
during the remainder of the year. 35088

(C) Not later than September 30, 2008, the Director of Job 35089
and Family Services shall submit an amendment to the state 35090
Medicaid plan to the United States Secretary of Health and Human 35091
Services as necessary to implement the amendments to this section. 35092
On receipt of the United States Secretary's approval of the 35093
amendment to the state Medicaid plan, the Director shall implement 35094
the amendments to this section retroactive to the effective date 35095
of the state Medicaid plan amendment. 35096

Sec. 309.30.41. ADDITIONAL COMPENSATION FOR NURSING FACILITY 35097

CAPITAL COSTS 35098

The foregoing appropriation item 600-529, Capital 35099
Compensation Program, shall be used to make payments to nursing 35100
facilities under ~~the section of this act entitled "FISCAL YEARS~~ 35101
~~2008 AND 2009 PAYMENTS TO CERTAIN NURSING FACILITIES~~ Section 35102
309.30.42 of Am. Sub. H.B. 119 of the 127th General Assembly." 35103

The unencumbered balance of appropriation item 600-529, 35104
Capital Compensation Program, at the end of fiscal year 2008 is 35105
hereby appropriated to appropriation item 600-525, Health 35106
Care/Medicaid, for fiscal year 2009 ~~for use under the same~~ 35107
~~appropriation item.~~ The Director of Budget and Management shall 35108
increase the state share of appropriations in appropriation item 35109
600-525, Health Care/Medicaid, by the amount of the unencumbered 35110
balance of appropriation item 600-529, Capital Compensation 35111
Program, with a corresponding increase in the federal share. 35112

Sec. 309.30.42. ~~FISCAL YEARS~~ YEAR 2008 ~~AND 2009~~ PAYMENTS TO 35113
CERTAIN NURSING FACILITIES 35114

(A) As used in this section: 35115

"Capital costs," "cost of ownership," and "renovation" have 35116
the same meanings as in section 5111.20 of the Revised Code as 35117
that section existed on June 30, 2005. 35118

"Change of operator" has the same meaning as in section 35119
5111.65 of the Revised Code. 35120

"Inpatient days," "Medicaid days," and "nursing facility" 35121
have the same meanings as in section 5111.20 of the Revised Code. 35122

"Reviewable activity" has the same meaning as in section 35123
3702.51 of the Revised Code. 35124

(B) The following qualify for per diem payments under this 35125
section: 35126

(1) A nursing facility to which both of the following apply:	35127
(a) Both of the following occurred during fiscal year 2006 7	35128
<u>or</u> 2007 7 or <u>the first three quarters of fiscal year</u> 2008:	35129
(i) The facility obtained certification as a nursing facility	35130
from the Director of Health.	35131
(ii) The facility began participating in the Medicaid	35132
program.	35133
(b) An application for a certificate of need for the nursing	35134
facility was filed with the Director of Health before June 15,	35135
2005.	35136
(2) A nursing facility to which all of the following apply:	35137
(a) The nursing facility does not qualify for a payment	35138
pursuant to division (B)(1) of this section.	35139
(b) The nursing facility, before June 30 <u>March 31</u> , 2008,	35140
completed a capital project for which a certificate of need was	35141
filed with the Director of Health before June 15, 2005, and for	35142
which at least one of the following occurred before July 1, 2005,	35143
or, if the capital project is undertaken to comply with rules	35144
adopted by the Public Health Council regarding resident room size	35145
or occupancy, before June 30, 2007:	35146
(i) Any materials or equipment for the capital project were	35147
delivered;	35148
(ii) Preparations for the physical site of the capital	35149
project, including, if applicable, excavation, began;	35150
(iii) Actual work on the capital project began.	35151
(c) The costs of the capital project are not fully reflected	35152
in the capital costs portion of the nursing facility's Medicaid	35153
reimbursement per diem rate on June 30, 2005.	35154
(d) The nursing facility files a three-month projected	35155

capital cost report with the Director of Job and Family Services 35156
not later than ninety days after the later of March 30, 2006, or 35157
the date the capital project is completed. 35158

(3) A nursing facility that, before ~~June 30~~ March 31, 2008, 35159
completed an activity to which all of the following apply: 35160

(a) A request was filed with the Director of Health before 35161
July 1, 2005, for a determination of whether the activity is a 35162
reviewable activity and the Director determined that the activity 35163
is not a reviewable activity. 35164

(b) At least one of the following occurred before July 1, 35165
2005, or, if the nursing facility undertakes the activity to 35166
comply with rules adopted by the Public Health Council regarding 35167
resident room size or occupancy, before June 30, 2007: 35168

(i) Any materials or equipment for the activity were 35169
delivered. 35170

(ii) Preparations for the physical site of the activity, 35171
including, if applicable, excavation, began. 35172

(iii) Actual work on the activity began. 35173

(c) The costs of the activity are not fully reflected in the 35174
capital costs portion of the nursing facility's Medicaid 35175
reimbursement per diem rate on June 30, 2005. 35176

(d) The nursing facility files a three-month projected 35177
capital cost report with the Director of Job and Family Services 35178
not later than ninety days after the later of March 30, 2006, or 35179
the date the activity is completed. 35180

(4) A nursing facility that, before ~~June 30~~ March 31, 2008, 35181
completed a renovation to which all of the following apply: 35182

(a) The Director of Job and Family Services approved the 35183
renovation before July 1, 2005. 35184

(b) At least one of the following occurred before July 1, 35185

2005, or, if the nursing facility undertakes the renovation to 35186
comply with rules adopted by the Public Health Council regarding 35187
resident room size or occupancy, before June 30, 2007: 35188

(i) Any materials or equipment for the renovation were 35189
delivered. 35190

(ii) Preparations for the physical site of the renovation, 35191
including, if applicable, excavation, began. 35192

(iii) Actual work on the renovation began. 35193

(c) The costs of the renovation are not fully reflected in 35194
the capital costs portion of the nursing facility's Medicaid 35195
reimbursement per diem rate on June 30, 2005. 35196

(d) The nursing facility files a three-month projected 35197
capital cost report with the Director of Job and Family Services 35198
not later than ninety days after the later of March 30, 2006, or 35199
the date the renovation is completed. 35200

(C) If a nursing facility qualifies for per diem payments 35201
pursuant to division (B)(1) of this section ~~for fiscal year 2008~~, 35202
the nursing facility's per diem payments under this section ~~for~~ 35203
~~fiscal year 2008~~ shall equal the difference between the capital 35204
costs portion of the nursing facility's Medicaid reimbursement per 35205
diem rate determined under Section 309.30.20 of ~~this act~~ Am. Sub. 35206
H.B. 119 of the 127th General Assembly or, if that section does 35207
not apply to the nursing facility, the capital costs portion of 35208
the nursing facility's initial rate established under section 35209
5111.254 of the Revised Code and the lesser of the following: 35210

(1) Eighty-eight and sixty-five hundredths per cent of the 35211
nursing facility's cost of ownership as reported on a three-month 35212
projected capital cost report divided by the greater of the number 35213
of inpatient days the nursing facility is expected to have during 35214
the period covered by the projected capital cost report or the 35215
number of inpatient days the nursing facility would have during 35216

that period if the nursing facility's occupancy rate was eighty 35217
per cent. 35218

(2) The maximum capital per diem rate in effect for fiscal 35219
year 2005 for nursing facilities. 35220

~~(D) If a nursing facility qualifies for per diem payments 35221
pursuant to division (B)(1) of this section for fiscal year 2009,
the nursing facility's per diem payments under this section for 35222
fiscal year 2009 shall equal the difference between the capital 35223
costs portion of the nursing facility's Medicaid reimbursement per 35224
diem rate determined under Section 309.30.30 of this act and the 35225
lesser of the following: 35226
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~~(1) Eighty eight and sixty five hundredths per cent of the 35228
nursing facility's cost of ownership as reported on a three month 35229
projected capital cost report divided by the greater of the number 35230
of inpatient days the nursing facility is expected to have during 35231
the period covered by the projected capital cost report or the 35232
number of inpatient days the nursing facility would have during 35233
that period if the nursing facility's occupancy rate was eighty 35234
per cent. 35235~~

~~(2) The maximum capital per diem rate in effect for fiscal 35236
year 2005 for nursing facilities. 35237~~

~~(E) The per diem payments paid for fiscal year 2008 to a 35238
nursing facility that qualifies for the payments pursuant to 35239
division (B)(2) or (3) of this section shall equal the difference 35240
between the capital costs portion of the nursing facility's 35241
Medicaid reimbursement per diem rate determined under Section 35242
309.30.20 of this act Am. Sub. H.B. 119 of the 127th General 35243
Assembly and the lesser of the following: 35244~~

(1) Eighty-eight and sixty-five hundredths per cent of the 35245
nursing facility's cost of ownership as reported on a three-month 35246
projected capital cost report divided by the greater of the number 35247

of inpatient days the nursing facility is expected to have during 35248
the period covered by the projected capital cost report or the 35249
number of inpatient days the nursing facility would have during 35250
that period if the nursing facility's occupancy rate was 35251
ninety-five per cent. 35252

(2) The maximum capital per diem rate in effect for fiscal 35253
year 2005 for nursing facilities. 35254

~~(F) The per diem payments paid for fiscal year 2009 to a 35255
nursing facility that qualifies for the payments pursuant to 35256
division (B)(2) or (3) of this section shall equal the difference 35257
between the capital costs portion of the nursing facility's 35258
Medicaid reimbursement per diem rate determined under Section 35259
309.30.30 of this act and the lesser of the following: 35260~~

~~(1) Eighty eight and sixty five hundredths per cent of the 35261
nursing facility's cost of ownership as reported on a three month 35262
projected capital cost report divided by the greater of the number 35263
of inpatient days the nursing facility is expected to have during 35264
the period covered by the projected capital cost report or the 35265
number of inpatient days the nursing facility would have during 35266
that period if the nursing facility's occupancy rate was 35267
ninety five per cent. 35268~~

~~(2) The maximum capital per diem rate in effect for fiscal 35269
year 2005 for nursing facilities. 35270~~

~~(G)(E) The per diem payments paid to a nursing facility that 35271
qualifies for the payments pursuant to division (B)(4) of this 35272
section shall equal eighty-five per cent of the nursing facility's 35273
capital costs for the renovation as reported on a three-month 35274
projected capital cost report divided by the greater of the number 35275
of inpatient days the nursing facility is expected to have during 35276
the period covered by the projected capital cost report or the 35277
number of inpatient days the nursing facility would have during 35278~~

that period if the nursing facility's occupancy rate was 35279
ninety-five per cent. 35280

~~(H)(F)~~ All of the following apply to the per diem payments 35281
made under this section: 35282

~~(1) All nursing facilities' eligibility for the payments 35283
shall cease at the earlier of the following: 35284~~

~~(a) July 1, 2009; 35285~~

~~(b) The date that the total amount of the payments equals 35286
seven million dollars. 35287~~

~~(2) The payments made for the last quarter that the payments 35288
are made may be reduced proportionately as necessary to avoid 35289
spending more than seven million dollars under this section. 35290~~

~~(3) The Subject to the following, the per diem payments shall 35291
be made for ~~quarterly periods~~ only the first three quarters of 35292
fiscal year 2008 by multiplying the per diem determined for a 35293
nursing facility by the number of Medicaid days the nursing 35294
facility has for the ~~quarter~~ quarters for which the payment is 35295
made; 35296~~

~~(a) Not more than a total of four million two hundred 35297
thousand dollars may be spent on the payments. 35298~~

~~(b) The payments may be reduced proportionately as necessary 35299
to avoid spending more than four million two hundred thousand 35300
dollars under this section. 35301~~

~~(4)(2) Any per diem payments to be made to a nursing facility 35302
for a quarter ending before July 2008 under this section shall be 35303
made not later than ~~September~~ June 30, 2008. 35304~~

~~(5) Any per diem payments to be made to a nursing facility 35305
for a quarter beginning after June 2008 shall be made not later 35306
than three months after the last day of the quarter for which the 35307
payments are made. 35308~~

~~(6)~~(3) A change of operator shall not cause the payments to a nursing facility to ~~cease~~ not be made. 35309
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~~(7)~~(4) The payments shall only be made to a nursing facility for the first three quarters ~~during of~~ fiscal ~~years~~ year 2008 ~~and~~ 2009 for which the nursing facility has a valid Medicaid provider agreement. 35311
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~~(8)~~(5) The payments shall be in addition to a nursing facility's Medicaid reimbursement per diem rate calculated under Section 309.30.20 ~~or 309.30.30~~ of ~~this act~~ Am. Sub. H.B. 119 of the 127th General Assembly. 35315
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~~(I)~~(G) The Director of Job and Family Services shall monitor, ~~on a quarterly basis,~~ the per diem payments made to nursing facilities under this section to ensure that not more than a total of ~~seven~~ four million two hundred thousand dollars is spent under this section. 35319
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~~(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. 35324
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~~(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. 35327
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Sec. 309.40.33. CHILD SUPPORT COLLECTIONS/TANF MOE 35332

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, 35333
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Child Support Collections, to support child support <u>public</u>				35339	
<u>assistance</u> activities.				35340	
Sec. 337.30. COMMUNITY SERVICES				35341	
General Revenue Fund				35342	
GRF 322-413 Residential and	\$	6,753,881	\$	6,753,881	35343
Support Services					
GRF 322-416 Medicaid Waiver -	\$	109,551,380	\$	109,551,380	35344
State Match					
GRF 322-451 Family Support	\$	6,938,898	\$	6,938,898	35345
Services					
GRF 322-501 County Boards	\$	87,270,048	\$	87,270,048	35346
Subsidies					
GRF 322-503 Tax Equity	\$	14,000,000	\$	14,000,000	35347
GRF 322-504 Martin Settlement	\$	6,159,766	\$	29,036,451	35348
TOTAL GRF General Revenue Fund	\$	230,673,973	\$	253,550,658	35349
General Services Fund Group				35350	
488 322-603 Provider Audit Refunds	\$	10,000	\$	10,000	35351
5MO 322-628 Martin Settlement	\$	150,000	\$	0	35352
TOTAL GSF General Services					35353
Fund Group	\$	160,000	\$	10,000	35354
Federal Special Revenue Fund Group				35355	
3G6 322-639 Medicaid Waiver -	\$	456,311,171	\$	506,618,829	35356
Federal					
3M7 322-650 CAFS Medicaid	\$	4,278,713	\$	0	35357
325 322-612 Community Social	\$	11,186,114	\$	11,164,639	35358
Service Programs					
TOTAL FED Federal Special Revenue					35359
Fund Group	\$	471,775,998	\$	517,783,468	35360
State Special Revenue Fund Group				35361	
4K8 322-604 Medicaid Waiver -	\$	12,000,000	\$	12,000,000	35362

State Match					
5DJ	322-625	Targeted Case	\$ 11,082,857	\$ 11,470,757	35363
Management Match					
5DJ	322-626	Targeted Case	\$ 27,548,737	\$ 28,512,943	35364
Management Services					
5EV	322-627	Program Fees	\$ 20,000	\$ 20,000	35365
5H0	322-619	Medicaid Repayment	\$ 10,000	\$ 10,000	35366
5Z1	322-624	County Board Waiver	\$ 116,000,000	\$ 126,000,000	35367
Match					
5CT	322-632	<u>Intensive Behavioral</u>	\$ 0	\$ 1,000,000	35368
<u>Needs</u>					
TOTAL SSR State Special Revenue					35369
Fund Group			\$ 166,661,594	\$ 178,013,700	35370
				<u>179,013,700</u>	
TOTAL ALL COMMUNITY SERVICES					35371
BUDGET FUND GROUPS			\$ 869,271,565	\$ 949,357,826	35372
				<u>950,357,826</u>	

Sec. 337.30.43. TAX EQUITY 35374

Notwithstanding section 5126.18 of the Revised Code, ~~if a~~ 35375
~~county board of mental retardation and developmental disabilities~~ 35376
~~received a tax equity payment in fiscal year 2007, but would not~~ 35377
~~receive such a payment in fiscal years 2008 and 2009, the~~ 35378
~~Department of Mental Retardation and Developmental Disabilities~~ 35379
~~shall use the foregoing appropriation item 322-503, Tax Equity, to~~ 35380
~~pay each such board in each fiscal year of the biennium an amount~~ 35381
~~that is equal to the tax equity payment the board received in~~ 35382
~~fiscal year 2007 or \$25,000, whichever is less. The Department~~ 35383
~~shall use the remainder of the appropriation item to make tax~~ 35384
~~equity payments in accordance with section 5126.18 of the Revised~~ 35385
~~Code for fiscal year 2009, if the Department of Mental Retardation~~ 35386
~~and Developmental Disabilities determines that sufficient funds~~ 35387
~~are available, the Department shall use the foregoing~~ 35388

appropriation item 322-503, Tax Equity, to pay each county board 35389
of mental retardation and developmental disabilities an amount 35390
that is equal to the amount the board received for fiscal year 35391
2008. If the Department determines that there are not sufficient 35392
funds available in the appropriation item for this purpose, the 35393
Department shall pay to each county board an amount that is 35394
proportionate to the amount the board received for fiscal year 35395
2008. Proportionality shall be determined by dividing the total 35396
tax equity payments distributed to county boards for fiscal year 35397
2008 by the tax equity payment a county board received for fiscal 35398
year 2008. 35399

Sec. 337.40. RESIDENTIAL FACILITIES

General Revenue Fund 35400

GRF	323-321	Developmental Center	\$	102,796,851	\$	102,796,851	35402
		and Residential					
		Facilities Operation					
		Expenses					
TOTAL GRF		General Revenue Fund	\$	102,796,851	\$	102,796,851	35403

General Services Fund Group 35404

152	323-609	Developmental Center	\$	912,177	\$	912,177	35405
		and Residential					
		Operating Services					
TOTAL GSF		General Services					35406
Fund Group			\$	912,177	\$	912,177	35407

Federal Special Revenue Fund Group 35408

3A4	323-605	Developmental Center	\$	136,299,536	\$	137,555,308	35409
		and Residential					
		Facility Services and					
		Support					
TOTAL FED		Federal Special Revenue					35410
Fund Group			\$	136,299,536	\$	137,555,308	35411

State Special Revenue Fund Group				35412
221 322-620 Supplement Service	\$	150,000	\$ 150,000	35413
Trust				
489 323-632 Developmental Center	\$	14,543,764	\$ 14,671,616	35414
Direct Care Support				
TOTAL SSR State Special Revenue				35415
Fund Group	\$	14,693,764	\$ 14,821,616	35416
TOTAL ALL RESIDENTIAL FACILITIES				35417
BUDGET FUND GROUPS	\$	254,702,328	\$ 256,085,952	35418
DEPARTMENT TOTAL				35419
GENERAL REVENUE FUND	\$	369,669,156	\$ 389,282,941	35420
DEPARTMENT TOTAL				35421
GENERAL SERVICES FUND GROUP	\$	1,172,177	\$ 1,022,177	35422
DEPARTMENT TOTAL				35423
FEDERAL SPECIAL REVENUE FUND GROUP	\$	610,780,538	\$ 658,082,406	35424
DEPARTMENT TOTAL				35425
STATE SPECIAL REVENUE FUND GROUP	\$	192,359,213	204,307,651	35426
			<u>205,307,651</u>	
TOTAL DEPARTMENT OF MENTAL				35427
RETARDATION AND DEVELOPMENTAL				35428
DISABILITIES	\$	1,173,981,084	1,252,695,175	35429
			<u>1,253,695,175</u>	

Sec. 337.40.15. GALLIPOLIS DEVELOPMENTAL CENTER PILOT PROGRAM 35431
 35432

The Director of Mental Retardation and Developmental 35433
 Disabilities shall establish, ~~as part of the Individual Options~~ 35434
~~Medicaid Waiver program,~~ a pilot program to be operated during 35435
 calendar year 2009 under which the Gallipolis Developmental Center 35436
~~provides home and community based services under the Individual~~ 35437
~~Options Medicaid waiver program to not more than ten individuals~~ 35438
~~at one time~~ operates an intermediate care facility for the 35439
mentally retarded with eight beds at a site separate from the 35440

grounds of the developmental center. The Gallipolis Developmental 35441
Center may operate the intermediate care facility for the mentally 35442
retarded notwithstanding section 5123.196 of the Revised Code. 35443
Money shall be expended on the pilot program beginning in the 35444
first half of calendar year 2009. 35445

~~The pilot program shall be operated in a manner consistent~~ 35446
~~with the terms of the consent order filed March 5, 2007, in Martin~~ 35447
~~v. Strickland, Case No. 89 CV 00362, in the United States District~~ 35448
~~Court for the Southern District of Ohio, Eastern Division. The~~ 35449
~~pilot program also shall be operated in accordance with the~~ 35450
~~federal Medicaid waiver authorizing the Individual Options~~ 35451
~~Medicaid waiver program. Only individuals eligible for the~~ 35452
~~Individual Options Medicaid waiver program who volunteer to~~ 35453
~~receive home and community based services under the Individual~~ 35454
~~Options Medicaid waiver program from the Gallipolis Developmental~~ 35455
~~Center may participate in the pilot program. The Director of~~ 35456
Mental Retardation and Developmental Disabilities and the Director 35457
of Job and Family Services shall provide the Gallipolis 35458
Developmental Center technical assistance ~~the Center needs~~ 35459
regarding the pilot program. 35460

~~All expenses the Gallipolis Developmental Center incurs in~~ 35461
~~participating in the pilot program shall be paid from the Medicaid~~ 35462
~~payments the Center receives for providing home and~~ 35463
~~community based services under the program.~~ 35464

The Director of Mental Retardation and Developmental 35465
Disabilities shall conduct an evaluation of the pilot program, 35466
including an evaluation of the quality and effectiveness of the 35467
~~home and community based services~~ the Gallipolis Developmental 35468
Center provides under the pilot program. The Director shall submit 35469
a report of the evaluation to the Governor and the General 35470
Assembly not later than April 1, 2010. The Director shall include 35471
in the report recommendations ~~for or against permitting the~~ 35472

~~Gallipolis Developmental Center to continue to provide home and 35473
 community based services under the Individual Options Medicaid 35474
 waiver program and permitting other developmental centers to begin 35475
 to provide these services regarding the continuation of the pilot 35476
 program and whether other developmental centers should be 35477
 permitted to establish and operate intermediate care facilities 35478
 for the mentally retarded at sites separate from the grounds of 35479
 the developmental centers. 35480~~

Sec. 369.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO 35481

General Services Fund Group 35482

5F6 870-622 Utility and Railroad \$ 32,820,027 \$ 33,804,627 35483
 Regulation

5F6 870-624 NARUC/NRRI Subsidy \$ 158,000 \$ 158,000 35484

5F6 870-625 Motor Transportation \$ 4,635,413 \$ 4,772,765 35485
 Regulation

TOTAL GSF General Services 35486

Fund Group \$ 37,613,440 \$ 38,735,392 35487

Federal Special Revenue Fund Group 35488

3V3 870-604 Commercial Vehicle \$ 300,000 \$ 300,000 35489
 Information

Systems/Networks

333 870-601 Gas Pipeline Safety \$ 597,957 \$ 597,959 35490

350 870-608 Motor Carrier Safety \$ 7,137,534 \$ 7,351,660 35491

TOTAL FED Federal Special Revenue 35492

Fund Group \$ 8,035,491 \$ 8,249,619 35493

State Special Revenue Fund Group 35494

4A3 870-614 Grade Crossing \$ 1,349,757 \$ 1,349,757 35495
 Protection

Devices-State

4L8 870-617 Pipeline Safety-State \$ 187,621 \$ 187,621 35496

4S6 870-618 Hazardous Material \$ 464,325 \$ 464,325 35497

		Registration				
4S6	870-621	Hazardous Materials	\$	373,346	\$	373,346 35498
		Base State				
		Registration				
4U8	870-620	Civil Forfeitures	\$	284,986	\$	284,986 35499
5BP	870-623	Wireless 9-1-1	\$	26,875,000	\$	13,375,000 35500
		Administration				
<u>5Q5</u>	<u>870-626</u>	<u>Telecommunication</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>5,000,000</u> 35501
		<u>Relay Service</u>				
559	870-605	Public Utilities	\$	4,000	\$	4,000 35502
		Territorial				
		Administration				
560	870-607	Public Utilities	\$	100,000	\$	100,000 35503
		Investigations				
561	870-606	Power Siting Board	\$	404,651	\$	404,652 35504
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000 35505
661	870-612	Hazardous Materials	\$	900,000	\$	900,000 35506
		Transportation				
TOTAL SSR	State Special Revenue					35507
Fund Group			\$	30,983,686	\$	17,483,687 35508
						<u>22,483,687</u> 35509
Agency Fund Group						35510
4G4	870-616	Base State	\$	2,000,000	\$	0 35511
		Registration Program				
TOTAL AGY	Agency Fund Group		\$	2,000,000	\$	0 35512
TOTAL ALL BUDGET FUND GROUPS			\$	78,632,617	\$	64,468,698 35513
						<u>69,468,698</u> 35514
		COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT				35515
		The fund created by section 4923.26 of the Revised Code is				35516
		the same fund, with a new name, as the Commercial Vehicle				35517
		Information Systems and Networks Fund (Fund 3V3).				35518
		ENHANCED AND WIRELESS ENHANCED 9-1-1				35519

The foregoing appropriation item 870-623, Wireless 9-1-1 Administration, shall be used pursuant to section 4931.63 of the Revised Code. 35520
 35521
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TELECOMMUNICATIONS RELAY SERVICE FUNDING 35523

The Telecommunications Relay Service Fund is hereby created in the state treasury. The vendor selected to provide telecommunications relay service in Ohio, as required by 47 C.F.R. 64.601, shall submit an invoice to the Public Utilities Commission by January 31, 2009, for costs it has incurred in providing the service during calendar year 2008. The Public Utilities Commission shall notify the Director of Budget and Management of the amount invoiced, and the Director of Budget and Management shall transfer that amount from the Public Utilities Fund (Fund 5F6) to the Telecommunications Relay Service Fund on or before February 28, 2009. The amount transferred shall be used to pay the telecommunications relay service vendor the amount invoiced. This amount is hereby appropriated. 35524
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Sec. 375.10. BOR BOARD OF REGENTS 35537

General Revenue Fund				35538
GRF 235-321 Operating Expenses	\$	3,141,351	\$ 3,141,351	35539
GRF 235-401 Lease Rental Payments	\$	203,177,900	\$ 136,017,500	35540
GRF 235-402 Sea Grants	\$	300,000	\$ 300,000	35541
GRF 235-406 Articulation and Transfer	\$	2,900,000	\$ 2,900,000	35542
GRF 235-408 Midwest Higher Education Compact	\$	95,000	\$ 95,000	35543
GRF 235-409 Information System	\$	1,175,172	\$ 1,175,172	35544
GRF 235-414 State Grants and Scholarship Administration	\$	1,707,881	\$ 1,707,881	35545
GRF 235-415 Jobs Challenge	\$	9,348,300	\$ 9,348,300	35546

GRF 235-417	Ohio Learning Network	\$	3,119,496	\$	3,119,496	35547
GRF 235-418	Access Challenge	\$	66,585,769	\$	66,585,769	35548
GRF 235-420	Success Challenge	\$	53,653,973	\$	53,653,973	35549
GRF 235-428	Appalachian New Economy Partnership	\$	1,176,068	\$	1,176,068	35550
GRF 235-433	Economic Growth Challenge	\$	17,186,194	\$	17,186,194	35551
GRF 235-434	College Readiness and Access	\$	12,655,425	\$	12,655,425	35552
GRF 235-435	Teacher Improvement Initiatives	\$	4,797,506	\$	11,297,506	35553
GRF 235-436	AccelerateOhio	\$	1,250,000	\$	2,500,000	35554
GRF 235-438	Choose Ohio First Scholarship	\$	50,000,000	\$	50,000,000	35555
GRF 235-439	Ohio Research Scholars	\$	30,000,000	\$	0	35556
GRF 235-451	Eminent Scholars	\$	0	\$	1,000,000	35557
GRF 235-455	EnterpriseOhio Network	\$	1,373,941	\$	1,373,941	35558
GRF 235-474	Area Health Education Centers Program Support	\$	1,571,756	\$	1,571,756	35559
GRF 235-501	State Share of Instruction	\$	1,678,877,952	\$	1,842,965,747	35560
GRF 235-502	Student Support Services	\$	795,790	\$	795,790	35561
GRF 235-503	Ohio Instructional Grants	\$	42,533,966	\$	18,315,568	35562
GRF 235-504	War Orphans Scholarships	\$	4,812,321	\$	4,812,321	35563
GRF 235-507	OhioLINK	\$	7,387,824	\$	7,387,824	35564
GRF 235-508	Air Force Institute of Technology	\$	2,050,345	\$	2,050,345	35565
GRF 235-510	Ohio Supercomputer Center	\$	4,271,195	\$	4,271,195	35566

GRF 235-511	Cooperative Extension Service	\$	26,273,260	\$	26,273,260	35567
GRF 235-513	Ohio University Voinovich Center	\$	669,082	\$	669,082	35568
GRF 235-514	Central State Supplement	\$	11,756,414	\$	12,109,106	35569
GRF 235-515	Case Western Reserve University School of Medicine	\$	3,011,271	\$	3,011,271	35570
GRF 235-518	Capitol Scholarship Program	\$	125,000	\$	125,000	35571
GRF 235-519	Family Practice	\$	4,548,470	\$	4,548,470	35572
GRF 235-520	Shawnee State Supplement	\$	2,502,323	\$	2,577,393	35573
GRF 235-521	The Ohio State University John Glenn School of Public Affairs	\$	619,082	\$	619,082	35574
GRF 235-524	Police and Fire Protection	\$	171,959	\$	171,959	35575
GRF 235-525	Geriatric Medicine	\$	750,110	\$	750,110	35576
GRF 235-526	Primary Care Residencies	\$	2,245,688	\$	2,245,688	35577
GRF 235-527	Ohio Aerospace Institute	\$	1,764,957	\$	1,764,957	35578
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000	35579
GRF 235-531	Student Choice Grants	\$	38,485,376	\$	38,485,376	35580
GRF 235-535	Ohio Agricultural Research and Development Center	\$	37,174,292	\$	37,174,292	35581
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885	35582

GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$	11,157,756	35583
GRF 235-538	University of Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866	35584
GRF 235-539	Wright State University Clinical Teaching	\$	4,225,107	\$	4,225,107	35585
GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540	35586
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$	4,200,945	35587
GRF 235-543	Ohio College of Podiatric Medicine Clinic Subsidy	\$	100,000	\$	100,000	35588
GRF 235-547	School of International Business	\$	450,000	\$	650,000	35589
GRF 235-552	Capital Component	\$	19,306,442 <u>19,789,868</u>	\$	19,306,442 <u>19,789,868</u>	35590
GRF 235-553	Dayton Area Graduate Studies Institute	\$	2,931,599	\$	2,931,599	35591
GRF 235-554	Priorities in Collaborative Graduate Education	\$	2,355,548	\$	2,355,548	35592
GRF 235-555	Library Depositories	\$	1,696,458	\$	1,696,458	35593
GRF 235-556	Ohio Academic Resources Network	\$	3,727,223	\$	3,727,223	35594
GRF 235-558	Long-term Care Research	\$	461,047	\$	461,047	35595
GRF 235-561	Bowling Green State University Canadian	\$	100,015	\$	100,015	35596

	Studies Center				
GRF 235-563	Ohio College	\$ 139,974,954	\$ 151,113,781	35597	
	Opportunity Grant				
GRF 235-567	Central State	\$ 4,400,000	\$ 3,800,000	35598	
	University Speed to				
	Scale				
GRF 235-571	James A. Rhodes	\$ 10,000,000	\$ 0	35599	
	Scholarship				
GRF 235-572	The Ohio State	\$ 1,277,019	\$ 1,277,019	35600	
	University Clinic				
	Support				
GRF 235-573	Ohio Humanities	\$ 25,000	\$ 25,000	35601	
	Council				
GRF 235-583	Urban University	\$ 5,825,937	\$ 5,825,937	35602	
	Program				
GRF 235-587	Rural University	\$ 1,159,889	\$ 1,159,889	35603	
	Projects				
GRF 235-596	Hazardous Materials	\$ 360,435	\$ 360,435	35604	
	Program				
GRF 235-599	National Guard	\$ 16,611,063	\$ 16,611,063	35605	
	Scholarship Program				
GRF 235-909	Higher Education	\$ 172,722,400	\$ 208,747,200	35606	
	General Obligation				
	Debt Service				
TOTAL GRF	General Revenue Fund	\$ 2,773,258,537	\$ 2,861,908,923	35607	
		<u>2,773,741,963</u>	<u>2,862,392,349</u>		
	General Services Fund Group			35608	
220 235-614	Program Approval and	\$ 800,000	\$ 800,000	35609	
	Reauthorization				
456 235-603	Sales and Services	\$ 700,000	\$ 700,000	35610	
TOTAL GSF	General Services			35611	
Fund Group		\$ 1,500,000	\$ 1,500,000	35612	
	Federal Special Revenue Fund Group			35613	

3BG	235-626	Star Schools	\$	2,980,865	\$	2,990,746	35614
3H2	235-608	Human Services Project	\$	3,000,000	\$	3,000,000	35615
3H2	235-622	Medical Collaboration Network	\$	3,346,144	\$	3,346,144	35616
3N6	235-605	State Student Incentive Grants	\$	2,196,680	\$	2,196,680	35617
3T0	235-610	National Health Service Corps - Ohio Loan Repayment	\$	250,000	\$	250,000	35618
312	235-609	Tech Prep	\$	183,850	\$	183,850	35619
312	235-611	Gear-up Grant	\$	3,300,000	\$	3,300,000	35620
312	235-612	Carl D. Perkins Grant/Plan Administration	\$	112,960	\$	112,960	35621
312	235-617	Improving Teacher Quality Grant	\$	3,200,000	\$	3,200,000	35622
312	235-621	Science Education Network	\$	1,686,970	\$	1,686,970	35623
TOTAL FED Federal Special Revenue							35624
Fund Group			\$	20,257,469	\$	20,267,350	35625
State Special Revenue Fund Group							35626
4E8	235-602	Higher Educational Facility Commission Administration	\$	50,000	\$	45,000	35627
4P4	235-604	Physician Loan Repayment	\$	476,870	\$	476,870 0	35628
649	235-607	The Ohio State University Highway/Transportation Research	\$	760,000	\$	760,000	35629
682	235-606	Nursing Loan Program	\$	893,000	\$	893,000	35630
5DT	235-627	American Diploma Project	\$	250,000	\$	0	35631

TOTAL SSR State Special Revenue				35632
Fund Group	\$	2,429,870	\$ 2,174,870	35633
			<u>1,698,000</u>	
TOTAL ALL BUDGET FUND GROUPS	\$	2,797,445,876	\$ 2,885,851,143	35634
		<u>2,797,929,302</u>	<u>2,885,857,699</u>	

Sec. 379.10. RSC REHABILITATION SERVICES COMMISSION 35636

General Revenue Fund				35637
GRF 415-100 Personal Services	\$	8,851,468	\$ 8,851,468	35638
GRF 415-402 Independent Living Council	\$	450,000	\$ 450,000	35639
GRF 415-406 Assistive Technology	\$	47,531	\$ 47,531	35640
GRF 415-431 Office for People with Brain Injury	\$	226,012	\$ 226,012	35641
GRF 415-506 Services for People with Disabilities	\$	16,959,541	\$ 17,259,541	35642
GRF 415-508 Services for the Deaf	\$	50,000	\$ 50,000	35643
TOTAL GRF General Revenue Fund	\$	26,584,552	\$ 26,884,552	35644
General Services Fund Group				35645
4W5 415-606 Program Management Expenses	\$	18,123,188	\$ 18,557,040	35646
467 415-609 Business Enterprise Operating Expenses	\$	1,632,082	\$ 1,632,082	35647
TOTAL GSF General Services				35648
Fund Group	\$	19,755,270	\$ 20,189,122	35649
Federal Special Revenue Fund Group				35650
3L1 415-601 Social Security Personal Care Assistance	\$	3,743,740	\$ 3,743,740	35651
3L1 415-605 Social Security Community Centers for the Deaf	\$	750,000	\$ 750,000	35652

3L1	415-608	Social Security	\$	1,506,260	\$	1,506,260	35653
		Vocational					
		Rehabilitation					
3L4	415-612	Federal Independent	\$	648,908	\$	648,908	35654
		Living Centers or					
		Services					
3L4	415-615	Federal - Supported	\$	884,451	\$	796,006	35655
		Employment					
3L4	415-617	Independent	\$	1,490,944	\$	1,490,944	35656
		Living/Vocational					
		Rehabilitation					
		Programs					
317	415-620	Disability	\$	82,808,006	\$	87,546,215	35657
		Determination					
379	415-616	Federal - Vocational	\$	122,484,545	\$	123,638,578	35658
		Rehabilitation					
TOTAL FED Federal Special							35659
Revenue Fund Group			\$	214,316,854	\$	220,120,651	35660
State Special Revenue Fund Group							35661
4L1	415-619	Services for	\$	3,765,337	\$	4,500,000	35662
		Rehabilitation					
468	415-618	Third Party Funding	\$	906,910	\$	906,910	35663
TOTAL SSR State Special							35664
Revenue Fund Group			\$	4,672,247	\$	5,406,910	35665
TOTAL ALL BUDGET FUND GROUPS			\$	265,328,923	\$	272,601,235	35666
INDEPENDENT LIVING COUNCIL							35667
The foregoing appropriation item 415-402, Independent Living							35668
Council, shall be used to fund the operations of the State							35669
Independent Living Council and shall be used to support state							35670
independent living centers and independent living services under							35671
Title VII of the Independent Living Services and Centers for							35672
Independent Living of the Rehabilitation Act Amendments of 1992,							35673

106 Stat. 4344, 29 U.S.C. 796d.	35674
OFFICE FOR PEOPLE WITH BRAIN INJURY	35675
Of the foregoing appropriation item 415-431, Office for	35676
People with Brain Injury, up to \$50,000 in each fiscal year shall	35677
be used for the state match for a federal grant awarded through	35678
the Traumatic Brain Injury Act, Pub. L. No. 104-166, and up to	35679
\$50,000 in each fiscal year shall be provided to the Brain Injury	35680
Trust Fund. The remaining appropriation shall be used to plan and	35681
coordinate head-injury-related services provided by state agencies	35682
and other government or private entities, to assess the needs for	35683
such services, and to set priorities in this area.	35684
VOCATIONAL REHABILITATION SERVICES	35685
The foregoing appropriation item 415-506, Services for People	35686
with Disabilities, shall be used as state matching funds to	35687
provide vocational rehabilitation services to eligible consumers.	35688
<u>SERVICES FOR THE DEAF</u>	35689
<u>The foregoing appropriation item 415-508, Services for the</u>	35690
<u>Deaf, shall be used to provide grants to community centers for the</u>	35691
<u>deaf. These funds shall not be provided in lieu of Social Security</u>	35692
<u>reimbursement funds.</u>	35693
PROGRAM MANAGEMENT EXPENSES	35694
The foregoing appropriation item 415-606, Program Management	35695
Expenses, shall be used to support the administrative functions of	35696
the commission related to the provision of vocational	35697
rehabilitation, disability determination services, and ancillary	35698
programs.	35699
NATIONAL ACCREDITATION COMPLIANCE	35700
Of the foregoing appropriation item 415-616, Federal -	35701
Vocational Rehabilitation, \$125,000 in each fiscal year <u>\$250,000</u>	35702
<u>over the biennium</u> shall be used to establish and implement a	35703

Community Rehabilitation Program national accreditation compliance 35704
and monitoring program administered by the Ohio Association of 35705
Rehabilitation Facilities. 35706

Not later than 30 days after the effective date of this 35707
amendment, the Rehabilitation Services Commission shall enter into 35708
a contract or other agreement that complies with 34 CRF 361.3(b) 35709
and 34 CRF 361.5(b)(2) with the Ohio Association of Rehabilitation 35710
Facilities and convey the funds to establish and implement the 35711
Community Rehabilitation Program national accreditation compliance 35712
and monitoring program. 35713

CLEVELAND SIGHT CENTER 35714

Of the foregoing appropriation item 415-616, Federal - 35715
Vocational Rehabilitation, \$100,000 in each fiscal year shall be 35716
provided to the Cleveland Sight Center for Technology Initiative 35717
to purchase adaptive technology and software for the employment of 35718
Ohioans who are blind or visually impaired. 35719

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 35720

The foregoing appropriation item 415-617, Independent 35721
Living/Vocational Rehabilitation Programs, shall be used to 35722
support vocational rehabilitation programs. 35723

SOCIAL SECURITY REIMBURSEMENT FUNDS 35724

Reimbursement funds received from the Social Security 35725
Administration, United States Department of Health and Human 35726
Services, for the costs of providing services and training to 35727
return disability recipients to gainful employment shall be used 35728
in the Social Security Reimbursement Fund (Fund 3L1), to the 35729
extent funds are available, as follows: 35730

(A) Appropriation item 415-601, Social Security Personal Care 35731
Assistance, to provide personal care services in accordance with 35732
section 3304.41 of the Revised Code; 35733

(B) Appropriation item 415-608, Social Security Vocational Rehabilitation, to provide vocational rehabilitation services to individuals with severe disabilities who are Social Security beneficiaries, to enable them to achieve competitive employment. This appropriation item also includes funds to assist the Personal Care Assistance Program to pay its share of indirect costs as mandated by federal OMB Circular A-87.

PERFORMANCE AUDIT

The Auditor of State shall complete a performance audit of the Rehabilitation Services Commission. Upon completing the performance audit, the Auditor of State shall submit a report of the findings of the audit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Board of Rehabilitation Services Commission. Expenses incurred by the Auditor of State to conduct the performance audit shall be reimbursed by the Rehabilitation Services Commission.

INTERNAL REVIEW

The Administrator of the Rehabilitation Services Commission shall consult with the Director of Budget and Management and representatives of local rehabilitation services agencies to conduct an internal review of policies and procedures to increase efficiency and identify and eliminate duplicative practices. Any savings identified as a result of the internal review or the performance audit conducted by the Auditor of State shall be used for community-based care.

The Administrator of the Rehabilitation Services Commission shall seek Controlling Board approval before expending any funds identified as a result of the internal review or the performance audit.

Sec. 393.10. SOS SECRETARY OF STATE

General Revenue Fund				35764
GRF 050-321 Operating Expenses	\$	2,585,000	\$ 2,585,000	35765
GRF 050-403 Election Statistics	\$	103,936	\$ 103,936	35766
GRF 050-407 Pollworkers Training	\$	277,997	\$ 277,997	35767
GRF 050-409 Litigation	\$	4,652	\$ 4,652	35768
Expenditures				
<u>GRF 050-505 County Postage</u>	<u>\$</u>	<u>0</u>	<u>\$ 3,000,000</u>	35769
Reimbursement				
TOTAL GRF General Revenue Fund	\$	2,971,585	\$ 2,971,585 <u>5,971,585</u>	35770
General Services Fund Group				35771
4S8 050-610 Board of Voting	\$	7,200	\$ 7,200	35772
Machine Examiners				
412 050-609 Notary Commission	\$	685,249	\$ 685,249	35773
413 050-601 Information Systems	\$	119,955	\$ 119,955	35774
414 050-602 Citizen Education	\$	55,712	\$ 55,712	35775
Fund				
TOTAL General Services Fund Group	\$	868,116	\$ 868,116	35776
Federal Special Revenue Fund Group				35777
3AH 050-614 Election Reform/Health	\$	1,000,000	\$ 1,000,000	35778
and Human Services				
3AS 050-616 2005 HAVA Voting	\$	4,750,000	\$ 2,750,000	35779
Machines				
3X4 050-612 Ohio Center/Law	\$	41,000	\$ 41,000	35780
Related Educational				
Grant				
TOTAL FED Federal Special Revenue				35781
Fund Group	\$	5,791,000	\$ 3,791,000	35782
State Special Revenue Fund Group				35783
5N9 050-607 Technology	\$	129,565	\$ 129,565	35784
Improvements				
599 050-603 Business Services	\$	13,761,734	\$ 13,761,734	35785

Operating Expenses

TOTAL SSR State Special Revenue				35786
Fund Group	\$	13,891,299	\$ 13,891,299	35787
Holding Account Redistribution Fund Group				35788
R01 050-605 Uniform Commercial	\$	30,000	\$ 30,000	35789
Code Refunds				
R02 050-606 Corporate/Business	\$	85,000	\$ 85,000	35790
Filing Refunds				
TOTAL 090 Holding Account				35791
Redistribution Fund Group	\$	115,000	\$ 115,000	35792
TOTAL ALL BUDGET FUND GROUPS	\$	23,637,000	\$ 21,637,000	35793
			<u>24,637,000</u>	

COUNTY POSTAGE REIMBURSEMENT 35794

The foregoing appropriation item 050-505, County Postage 35795
Reimbursement, shall be used to pay costs incurred by boards of 35796
elections to mail an absent voter's ballot application to each 35797
elector who is required to receive a notice under section 3501.19 35798
of the Revised Code for the November 4, 2008, general election. 35799
The foregoing appropriation also shall be used to pay return 35800
postage for absent voter's ballot applications returned by 35801
electors who wish to vote by absent voter's ballot at that 35802
election. Absent voter's ballot applications required to be mailed 35803
by a board of elections shall be mailed in conjunction with the 35804
notice of election required under section 3501.19 of the Revised 35805
Code. The Secretary of State shall establish a method by which 35806
funds for mailing absent voter's ballot applications are made 35807
available to boards of elections in advance of the required 35808
mailing. 35809

BOARD OF VOTING MACHINE EXAMINERS 35810

The foregoing appropriation item 050-610, Board of Voting 35811
 Machine Examiners, shall be used to pay for the services and 35812
 expenses of the members of the Board of Voting Machine Examiners, 35813

and for other expenses that are authorized to be paid from the 35814
Board of Voting Machine Examiners Fund, which is created in 35815
section 3506.05 of the Revised Code. Moneys not used shall be 35816
returned to the person or entity submitting the equipment for 35817
examination. If it is determined that additional appropriations 35818
are necessary, such amounts are appropriated. 35819

2005 HAVA VOTING MACHINES 35820

Of the foregoing appropriation item 050-616, 2005 HAVA Voting 35821
Machines, in fiscal year 2008 \$15,000 shall be distributed to the 35822
Vinton County Board of Elections and \$15,000 shall be distributed 35823
to the Morgan County Board of Elections to be used for emergency 35824
assistance for elections. 35825

On July 1, 2008, or as soon as possible thereafter, the 35826
Director of Budget and Management shall transfer any remaining 35827
unexpended, unencumbered appropriations in Fund 3AS, appropriation 35828
item 050-616, 2005 HAVA Voting Machines, for use in fiscal year 35829
2009. The transferred amount is hereby appropriated. 35830

On July 1, 2008, or as soon as possible thereafter, the 35831
Director of Budget and Management shall transfer any remaining 35832
unexpended, unencumbered appropriations in Fund 3AH, appropriation 35833
item 050-614, Election Reform/Health and Human Services Fund, for 35834
use in fiscal year 2009. The transferred amount is hereby 35835
appropriated. 35836

Ongoing interest earnings from the federal Election 35837
Reform/Health and Human Services Fund (Fund 3AH) and the 2005 HAVA 35838
Voting Machines Fund (Fund 3AS) shall be credited to the 35839
respective funds and distributed in accordance with the terms of 35840
the grant under which the money is received. 35841

HOLDING ACCOUNT REDISTRIBUTION GROUP 35842

The foregoing appropriation items 050-605 and 050-606, 35843
Holding Account Redistribution Fund Group, shall be used to hold 35844

revenues until they are directed to the appropriate accounts or 35845
 until they are refunded. If it is determined that additional 35846
 appropriations are necessary, such amounts are appropriated. 35847

Sec. 405.10. TAX DEPARTMENT OF TAXATION 35848

General Revenue Fund 35849

GRF 110-321 Operating Expenses \$ 92,040,062 \$ 92,440,062 35850

GRF 110-404 Tobacco Settlement \$ 0 \$ 328,034 35851

Enforcement

GRF 110-412 Child Support \$ 71,680 \$ 71,680 35852

Administration

GRF 110-901 Property Tax \$ 446,953,165 \$ 478,613,618 35853

Allocation - Taxation

GRF 110-906 Tangible Tax Exemption \$ 9,177,962 \$ 4,588,981 35854

- Taxation

TOTAL GRF General Revenue Fund \$ 548,242,869 \$ 576,042,375 35855

General Services Fund Group 35856

433 110-602 Tape File Account \$ 125,000 \$ 140,000 35857

5BQ 110-629 Commercial Activity \$ 6,000,000 \$ 6,000,000 35858

Tax Administration

5W4 110-625 Centralized Tax \$ 400,000 \$ 200,000 35859

Filing and Payment

5W7 110-627 Exempt Facility \$ 100,000 \$ 150,000 35860

Administration

5CZ 110-631 Vendor's License \$ 1,000,000 \$ 1,000,000 35861

Application

TOTAL GSF General Services 35862

Fund Group \$ 7,625,000 \$ 7,490,000 35863

State Special Revenue Fund Group 35864

4C6 110-616 International \$ 706,855 \$ 706,855 35865

Registration Plan

4R6 110-610 Tire Tax \$ 125,000 \$ 150,000 35866

		Administration				
435	110-607	Local Tax	\$	17,250,000	\$	17,250,000 35867
		Administration				
436	110-608	Motor Vehicle Audit	\$	1,200,000	\$	1,200,000 35868
437	110-606	Litter Tax and Natural	\$	675,000	\$	800,000 35869
		Resource Tax				
		Administration				
438	110-609	School District Income	\$	3,600,000	\$	3,600,000 35870
		Tax				
<u>5AP0</u>	<u>110632</u>	<u>Discovery Project</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>2,000,000</u> 35871
5N5	110-605	Municipal Income Tax	\$	500,000	\$	500,000 35872
		Administration				
5N6	110-618	Kilowatt Hour Tax	\$	125,000	\$	175,000 35873
		Administration				
5V7	110-622	Motor Fuel Tax	\$	4,700,000	\$	5,000,000 35874
		Administration				
5V8	110-623	Property Tax	\$	13,500,000	\$	13,500,000 35875
		Administration				
639	110-614	Cigarette Tax	\$	100,000	\$	100,000 35876
		Enforcement				
642	110-613	Ohio Political Party	\$	600,000	\$	600,000 35877
		Distributions				
688	110-615	Local Excise Tax	\$	210,000	\$	180,000 35878
		Administration				
TOTAL SSR		State Special Revenue				35879
Fund Group			\$	43,291,855	\$	43,761,855 35880
						<u>45,761,855</u> 35881
Agency Fund Group						35882
095	110-995	Municipal Income Tax	\$	21,000,000	\$	21,000,000 35883
425	110-635	Tax Refunds	\$	1,565,900,000	\$	1,546,800,000 35884
TOTAL AGY		Agency Fund Group	\$	1,586,900,000	\$	1,567,800,000 35885
Holding Account		Redistribution Fund Group				35886

R10	110-611	Tax Distributions	\$	50,000	\$	50,000	35887
R11	110-612	Miscellaneous Income	\$	50,000	\$	50,000	35888
Tax Receipts							
TOTAL 090 Holding Account							35889
Redistribution Fund Group			\$	100,000	\$	100,000	35890
TOTAL ALL BUDGET FUND GROUPS			\$	2,186,159,724	\$	2,195,194,230	35891
						<u>2,197,194,230</u>	35892

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX 35893
 EXEMPTION 35894

The foregoing appropriation item 110-901, Property Tax 35895
 Allocation - Taxation, is hereby appropriated to pay for the 35896
 state's costs incurred because of the Homestead Exemption, the 35897
 Manufactured Home Property Tax Rollback, and the Property Tax 35898
 Rollback. The Tax Commissioner shall distribute these funds 35899
 directly to the appropriate local taxing districts, except for 35900
 school districts, notwithstanding the provisions in sections 35901
 321.24 and 323.156 of the Revised Code, which provide for payment 35902
 of the Homestead Exemption, the Manufactured Home Property Tax 35903
 Rollback, and Property Tax Rollback by the Tax Commissioner to the 35904
 appropriate county treasurer and the subsequent redistribution of 35905
 these funds to the appropriate local taxing districts by the 35906
 county auditor. 35907

The foregoing appropriation item 110-906, Tangible Tax 35908
 Exemption - Taxation, is hereby appropriated to pay for the 35909
 state's costs incurred because of the tangible personal property 35910
 tax exemption required by division (C)(3) of section 5709.01 of 35911
 the Revised Code. The Tax Commissioner shall distribute to each 35912
 county treasurer the total amount appearing in the notification 35913
 from the county treasurer under division (G) of section 321.24 of 35914
 the Revised Code for all local taxing districts located in the 35915
 county except for school districts, notwithstanding the provision 35916
 in section 321.24 of the Revised Code which provides for payment 35917

of the \$10,000 tangible personal property tax exemption by the Tax 35918
Commissioner to the appropriate county treasurer for all local 35919
taxing districts located in the county including school districts. 35920
The county auditor shall distribute the amount paid by the Tax 35921
Commissioner among the appropriate local taxing districts except 35922
for school districts under division (G) of section 321.24 of the 35923
Revised Code. 35924

Upon receipt of these amounts, each local taxing district 35925
shall distribute the amount among the proper funds as if it had 35926
been paid as real or tangible personal property taxes. Payments 35927
for the costs of administration shall continue to be paid to the 35928
county treasurer and county auditor as provided for in sections 35929
319.54, 321.26, and 323.156 of the Revised Code. 35930

Any sums, in addition to the amounts specifically 35931
appropriated in appropriation items 110-901, Property Tax 35932
Allocation - Taxation, for the Homestead Exemption, the 35933
Manufactured Home Property Tax Rollback, and the Property Tax 35934
Rollback payments, and 110-906, Tangible Tax Exemption - Taxation, 35935
for the \$10,000 tangible personal property tax exemption payments, 35936
which are determined to be necessary for these purposes, are 35937
hereby appropriated. 35938

TAX DEPARTMENT DISCOVERY PROJECT 35939

On July 1, 2008, or as soon thereafter as possible, the 35940
Director of Budget and Management shall transfer \$2,000,000 in 35941
cash from the General Revenue Fund to appropriation item 110632, 35942
Discovery Project (Fund 5APO), to acquire the necessary hardware, 35943
software, and services to establish and implement a tax discovery 35944
data system and for expenses incurred by the Department of 35945
Taxation to administer the system. The amount transferred is 35946
hereby appropriated in appropriation item 110632, Discovery 35947
Project, for fiscal year 2009. 35948

If, at any time during fiscal year 2009, the Tax Commissioner 35949
determines that additional cash transfers are necessary in 35950
appropriation item 110632, Discovery Project, to pay the actual 35951
costs of the tax discovery data system and other expenses the 35952
Department incurs attributable to the system in fiscal year 2009, 35953
the Tax Commissioner may request that the Director of Budget and 35954
Management increase such amounts. Such amounts are hereby 35955
appropriated, with the approval of the Director of Budget and 35956
Management. 35957

MUNICIPAL INCOME TAX 35958

The foregoing appropriation item 110-995, Municipal Income 35959
Tax, shall be used to make payments to municipal corporations 35960
under section 5745.05 of the Revised Code. If it is determined 35961
that additional appropriations are necessary to make these 35962
payments, such amounts are hereby appropriated. 35963

TAX REFUNDS 35964

The foregoing appropriation item 110-635, Tax Refunds, shall 35965
be used to pay refunds under section 5703.052 of the Revised Code. 35966
If it is determined that additional appropriations are necessary 35967
for this purpose, such amounts are hereby appropriated. 35968

INTERNATIONAL REGISTRATION PLAN AUDIT 35969

The foregoing appropriation item 110-616, International 35970
Registration Plan, shall be used under section 5703.12 of the 35971
Revised Code for audits of persons with vehicles registered under 35972
the International Registration Plan. 35973

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 35974

Of the foregoing appropriation item 110-607, Local Tax 35975
Administration, the Tax Commissioner may disburse funds, if 35976
available, for the purposes of paying travel expenses incurred by 35977
members of Ohio's delegation to the Streamlined Sales Tax Project, 35978

as appointed under section 5740.02 of the Revised Code. Any travel 35979
expense reimbursement paid for by the Department of Taxation shall 35980
be done in accordance with applicable state laws and guidelines. 35981

LITTER CONTROL TAX ADMINISTRATION FUND 35982

Notwithstanding section 5733.12 of the Revised Code, during 35983
the period from July 1, 2007, to June 30, 2008, the amount of 35984
\$675,000, and during the period from July 1, 2008, to June 30, 35985
2009, the amount of \$800,000, received by the Tax Commissioner 35986
under Chapter 5733. of the Revised Code, shall be credited to the 35987
Litter Control Tax Administration Fund (Fund 437). 35988

CENTRALIZED TAX FILING AND PAYMENT FUND 35989

The Director of Budget and Management, under a plan submitted 35990
by the Tax Commissioner, or as otherwise determined by the 35991
Director of Budget and Management, shall set a schedule to 35992
transfer cash from the General Revenue Fund to the credit of the 35993
Centralized Tax Filing and Payment Fund (Fund 5W4). The transfers 35994
of cash shall not exceed \$600,000 in the biennium. 35995

COMMERCIAL ACTIVITY TAX ADMINISTRATION FUND 35996

The foregoing appropriation item 110-629, Commercial Activity 35997
Tax Administration Fund (Fund 5BQ), shall be used to pay expenses 35998
incurred by the Department of Taxation to implement and administer 35999
the Commercial Activity Tax under Chapter 5751. of the Revised 36000
Code. 36001

Notwithstanding section 3734.9010, division (B)(2)(c) of 36002
section 4505.09, division (B) of section 5703.12, section 5703.80, 36003
division (C)(6) of section 5727.81, sections 5733.122 and 36004
5735.053, division (C) of section 5739.21, section 5745.03, 36005
section 5743.024, section 5743.15, division (C) of section 36006
5747.03, and section 5747.113 of the Revised Code or any other 36007
provisions to the contrary, any residual cash balances determined 36008
and certified by the Tax Commissioner to the Director of Budget 36009

and Management shall be transferred on July 1, 2007, or as soon as possible thereafter, to the Commercial Activities Tax Administration Fund (Fund 5BQ).

TOBACCO SETTLEMENT ENFORCEMENT

The foregoing appropriation item 110-404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.

Sec. 407.10. DOT DEPARTMENT OF TRANSPORTATION

Transportation Modes

General Revenue Fund

GRF 775-451	Public Transportation	\$ 16,700,000	\$ 17,000,000	
	- State			
GRF 776-465	Ohio Rail Development	\$ 3,700,000	\$ 3,700,000	
	Commission			
GRF 776-466	Railroad	\$ 789,600	\$ 789,600	
	Crossing/Grade			
	Separation			
GRF 777-471	Airport Improvements	\$ 3,293,985	\$ 1,794,003	
	- State			
TOTAL GRF	General Revenue Fund	\$ 24,483,585	\$ 23,283,603	
TOTAL ALL BUDGET FUND GROUPS		\$ 24,483,585	\$ 23,283,603	

~~PUBLIC TRANSPORTATION — STATE~~

~~Of the foregoing GRF appropriation item 775-451, Public Transportation — State, \$200,000 in fiscal year 2008 shall be used for the Cleveland Metropolitan Park District West Creek Project.~~

TRANSPORTATION STUDY

Of the foregoing appropriation item 775-451, Public Transportation-State, \$50,000 in fiscal year 2008 shall be used for a Franklin County school transportation study to determine the

feasibility of a countywide pupil transportation system. 36035

~~AIRPORT IMPROVEMENTS~~ 36036

~~Of the foregoing appropriation item 777-471, Airport 36037
Improvements - State, \$1,500,000 in fiscal year 2008 shall be used 36038
for air travel and support and economic development of statewide 36039
airports. The Directors of Development and Transportation may 36040
enter into one or more interagency agreements between their two 36041
departments as necessary to implement a statewide strategy to 36042
enhance Ohio's airports as centers of regional economic 36043
development. 36044~~

**Sec. 512.03. TRANSFERS TO THE GENERAL REVENUE FUND FROM 36045
NON-GRF FUNDS** 36046

Notwithstanding any other provision of law to the contrary, 36047
during fiscal years 2008 and 2009, the Director of Budget and 36048
Management is hereby authorized to transfer cash from non-General 36049
Revenue Fund funds that are not constitutionally restricted to the 36050
General Revenue Fund. The total amount of cash transfers made 36051
pursuant to this section to the General Revenue Fund during fiscal 36052
years 2008 and 2009 shall not exceed ~~\$70,000,000~~ \$120,000,000. 36053

**Sec. 512.35. DIESEL EMISSIONS REDUCTION AND TRANSIT CAPITAL 36054
GRANT PROGRAMS** 36055

~~On the first day of July of each fiscal year or as soon as 36056
possible thereafter, the Director of Budget and Management shall 36057
(1) transfer \$9,817,105 in cash in fiscal year 2008 and 36058
\$10,057,814 in cash in fiscal year 2009 from the Highway Operating 36059
Fund (Fund 002) to the Diesel Emissions Grant Fund established in 36060
section 122.861 of the Revised Code and (2) transfer \$5,000,000 in 36061
each fiscal year from the Highway Operating Fund to the Transit 36062
Capital Fund (Fund 5E7). The amounts transferred are hereby 36063
appropriated. 36064~~

~~The transfer to the Diesel Emissions Grant Fund shall be used~~ 36065
~~for the administration and oversight of the Diesel Emissions~~ 36066
~~Reduction Grant Program within the Department of Development. In~~ 36067
There is hereby established in the Highway Operating Fund (Fund 36068
7002) in the Department of Transportation a Diesel Emissions 36069
Reduction Grant Program. The Department of Development shall 36070
administer the program and shall solicit, evaluate, score, and 36071
select projects submitted by public and private entities that are 36072
eligible for the federal Congestion Mitigation and Air Quality 36073
(CMAQ) Program. The Department of Transportation shall process 36074
Federal Highway Administration-approved projects as recommended by 36075
the Department of Development. 36076

In addition to the allowable expenditures set forth in 36077
section 122.861 of the Revised Code, Diesel Emissions Reduction 36078
Grant Program funds also may be used to fund projects involving 36079
the purchase or use of hybrid and alternative fuel vehicles that 36080
are allowed under guidance developed by the Federal Highway 36081
Administration for the ~~Congestion Mitigation and Air Quality~~ 36082
~~(CMAQ)~~ CMAQ Program. The Director of Development, in consultation 36083
with the Director of Environmental Protection, shall develop 36084
guidance for distribution of the funds from the Diesel Emissions 36085
Grant Fund. The guidance shall include a method for prioritization 36086
of projects, acceptable technologies, and procedures for awarding 36087
grants and loans. 36088

~~The transfer to the Transit Capital Fund (Fund 5E7) shall be~~ 36089
~~used to supplement the capital portion of the Ohio Public~~ 36090
~~Transportation Grant Program within the Department of~~ 36091
~~Transportation.~~ 36092

These Public entities eligible to receive funds under section 36093
122.861 of the Revised Code and CMAQ shall be reimbursed from the 36094
Department of Transportation's Diesel Emissions Reduction Grant 36095
Program. 36096

Private entities eligible to receive funds under section 122.861 of the Revised Code and CMAQ shall be reimbursed through transfers of cash from the Department of Transportation's Diesel Emissions Reduction Grant Program to the Department of Development's Diesel Emissions Reduction Grant Fund (Fund 3BD0) established in section 122.861 of the Revised Code.

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Appropriation item 195-697, Diesel Emissions Reduction Grants, is hereby established with an appropriation of \$9,817,105 in fiscal year 2008 and \$10,057,814 in fiscal year 2009. Total expenditures between both the Departments of Development and Transportation shall not exceed the appropriated amounts stated in this section.

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On or before June 30, 2008, any unencumbered balance of the foregoing appropriation item 195-697, Diesel Emissions Reduction Grants, for fiscal year 2008, less amounts encumbered by the Department of Transportation for reimbursement of public entities for fiscal year 2008, is hereby appropriated for the same purposes for fiscal year 2009.

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Up to \$5,000,000 in the Highway Operating Fund (Fund 7002) shall be used each fiscal year for the Transit Capital Program in conjunction with funding provided in the Department of Transportation's budget under the Ohio Public Transportation Grant Program.

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On or before June 30, 2008, any unencumbered balance of the Transit Capital Program in fiscal year 2008 is hereby appropriated for the same purposes in fiscal year 2009.

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Any cash transfers or allocations under this section represent CMAQ program moneys within the Department of Transportation for use by the Diesel Emissions Reduction Grant Program by the Department of Development and for use by the Ohio Public Transportation Grant Program by the Ohio Department of

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Transportation. These allocations shall not reduce the amount of 36128
such moneys designated for metropolitan planning organizations. 36129

The Director of Development, in consultation with the 36130
Directors of Environmental Protection and Transportation, shall 36131
develop guidance for the administration of the Diesel Emissions 36132
Reduction Grant Program. The guidance shall include a method for 36133
prioritization of projects, acceptable technologies, and 36134
procedures for awarding grants. 36135

Sec. 518.03. BUDGET ADJUSTMENTS TO REFLECT TOBACCO 36136
SECURITIZATION 36137

(A) Notwithstanding any other provision of law to the 36138
contrary, the Director of Budget and Management, periodically on 36139
any date following the issuance of the tobacco obligations 36140
authorized in section 183.51 of the Revised Code and through June 36141
30, 2009, shall: 36142

(1) Determine the amount of appropriation items 235-909, 36143
Higher Education General Obligation Debt Service, and 230-908, 36144
Common Schools General Obligation Debt Service, that are in excess 36145
of the amounts needed to pay all debt service and financing costs 36146
on those obligations payable from each of those items and transfer 36147
all or any portion of that excess appropriation to appropriation 36148
item 200-901, Property Tax Allocation-Education, or 110-901, 36149
Property Tax Allocation-Taxation, or both together as needed for 36150
the purposes of making the state's property tax relief payments to 36151
school districts and counties. 36152

(2) Determine the amount by which interest earnings credited 36153
to Fund 034, Higher Education Improvement Fund, and Fund 032, 36154
School Building Program Assistance Fund, from the investment of 36155
the net proceeds of those tobacco obligations exceed the amount 36156
needed to satisfy appropriations from those funds, transfer all or 36157
part of that excess cash balance to the General Revenue Fund, and 36158

increase appropriation item 200-901, Property Tax 36159
Allocation-Education, or 110-901, Property Tax 36160
Allocation-Taxation, or both together, by up to the amount of cash 36161
so transferred to the General Revenue Fund. 36162

(3) Determine the amount of capital appropriations in 36163
CAP-770, School Building Assistance Program, and transfers of cash 36164
to Fund 5E3, School Facilities Commission, that are necessary to 36165
fully expend the amount of net proceeds deposited into Fund 032, 36166
School Building Program Assistance Fund, from the issuance of 36167
those tobacco obligations, and increase the appropriations for 36168
CAP-770 and appropriation item 230-644, Operating Expenses-School 36169
Facilities Commission, by the necessary amounts. 36170

(4) Determine the amount of additional capital 36171
appropriations, if any necessary to fully expend the amount of net 36172
proceeds deposited from the issuance of those tobacco obligations 36173
into Fund 034, Higher Education Improvement Fund. 36174

(5) Reduce by up to \$800,000,000 the amount of authorization 36175
to issue and sell general obligations to pay the costs of capital 36176
facilities for a system of common schools throughout the state 36177
granted to the Ohio Public Facilities Commission by prior acts of 36178
the General Assembly. This reduction reflects the utilization of 36179
the net proceeds of those tobacco obligations in place of general 36180
obligation bond proceeds to support capital appropriations payable 36181
from Fund 032, School Building Assistance Fund. 36182

(6) Reduce by up to \$950,000,000 the amount of authorization 36183
to issue and sell general obligations to pay the costs of capital 36184
facilities for state-supported and state-assisted institutions of 36185
higher education granted to the Ohio Public Facilities Commission 36186
by prior acts of the General Assembly. This reduction reflects the 36187
utilization of the net proceeds of those tobacco obligations in 36188
place of general obligation bond proceeds to support capital 36189
appropriations payable from Fund 034, Higher Education Improvement 36190

Fund.	36191
(B) Before <u>Except for transfers to the General Revenue Fund</u>	36192
<u>in accordance with division (A)(2) of this section, before the</u>	36193
Office of Budget and Management transfers or increases or	36194
decreases any appropriations or authorizations described in	36195
division (A) of this section, the Office of Budget and Management	36196
shall seek Controlling Board approval.	36197
Section 610.41. That existing Sections 207.20.50, 207.20.70,	36198
207.30.10, 207.30.20, 207.30.30, 219.10, 235.10, 261.10, 263.10,	36199
263.20.10, 263.20.80, 263.30.10, 269.30.30, 269.30.70, 269.40.50,	36200
269.50.30, 275.10, 293.10, 299.10, 307.10, 309.10, 309.30.13,	36201
309.30.30, 309.30.40, 309.30.41, 309.30.42, 309.40.33, 337.30,	36202
337.30.43, 337.40, 337.40.15, 369.10, 375.10, 379.10, 393.10,	36203
405.10, 407.10, 512.03, 512.35, and 518.03 of Am. Sub. H.B. 119 of	36204
the 127th General Assembly are hereby repealed.	36205
	36206
Section 610.44. That Section 249.10 of Am. Sub. H.B. 119 of	36207
the 127th General Assembly, as amended by Am. Sub. S.B. 155 of the	36208
127th General Assembly, be amended to read as follows:	36209
Sec. 249.10. CEB CONTROLLING BOARD	36210
General Revenue Fund	36211
GRF 911-404 Mandate Assistance \$ 650,000 \$ 650,000	36212
GRF 911-441 Ballot Advertising \$ 1,400,000 \$ 300,000	36213
Costs	
TOTAL GRF General Revenue Fund \$ 2,050,000 \$ 950,000	36214
TOTAL ALL BUDGET FUND GROUPS \$ 2,050,000 \$ 950,000	36215
DISASTER SERVICES FUND TRANSFERS TO THE EMERGENCY	36216
PURPOSES/CONTINGENCIES APPROPRIATION LINE ITEM	36217
Notwithstanding any other provision of law to the contrary,	36218

the Director of Budget and Management may, with Controlling Board 36219
approval, ~~transfer appropriate~~ up to \$4,000,000 ~~in cash~~, in each 36220
of fiscal years 2008 and 2009, ~~from the Disaster Services Fund~~ 36221
~~(Fund 5E2) to the General Revenue Fund. Upon completion of the~~ 36222
~~transfer, the Director of Budget and Management shall appropriate~~ 36223
~~the transferred amount~~ to appropriation item 911-401, Emergency 36224
Purposes/Contingencies. The Controlling Board may, at the request 36225
of any state agency or the Director of Budget and Management, 36226
transfer all or part of the appropriation in appropriation item 36227
911-401, Emergency Purposes/Contingencies, for the purpose of 36228
providing disaster and emergency situation aid to state agencies 36229
and political subdivisions in the event of disasters and emergency 36230
situations or for the other purposes noted in this section, 36231
including, but not limited to, costs related to the disturbance 36232
that occurred on April 11, 1993, at the Southern Ohio Correctional 36233
Facility in Lucasville, Ohio. Following each increase in 36234
appropriation in appropriation item 911-401, Emergency 36235
Purposes/Contingencies, approved by the Controlling Board, the 36236
Director of Budget and Management may transfer an amount equal to 36237
the appropriation increase, in an amount not to exceed \$4,000,000 36238
in each of fiscal years 2008 and 2009, from the Disaster Services 36239
Fund (Fund 5E2) to the General Revenue Fund. 36240

FEDERAL SHARE 36241

In transferring appropriations to or from appropriation items 36242
that have federal shares identified in Am. Sub. H.B. 119 of the 36243
127th General Assembly, the Controlling Board shall add or 36244
subtract corresponding amounts of federal matching funds at the 36245
percentages indicated by the state and federal division of the 36246
appropriations in Am. Sub. H.B. 119 of the 127th General Assembly. 36247
Such changes are hereby appropriated. 36248

DISASTER ASSISTANCE 36249

Pursuant to requests submitted by the Department of Public 36250

Safety, the Controlling Board may approve transfers from 36251
appropriation item 911-401, Emergency Purposes/Contingencies, to 36252
Department of Public Safety appropriation items to provide funding 36253
for assistance to political subdivisions and individuals made 36254
necessary by natural disasters or emergencies. Such transfers may 36255
be requested and approved prior to or following the occurrence of 36256
any specific natural disasters or emergencies in order to 36257
facilitate the provision of timely assistance. 36258

DISASTER SERVICES 36259

Pursuant to requests submitted by the Department of Public 36260
Safety, the Controlling Board may approve transfers from the 36261
Disaster Services Fund (5E2) to a Department of Public Safety fund 36262
and appropriation item to provide for assistance to political 36263
subdivisions made necessary by natural disasters or emergencies. 36264
These transfers may be requested and approved prior to the 36265
occurrence of any specific natural disasters or emergencies in 36266
order to facilitate the provision of timely assistance. The 36267
Emergency Management Agency of the Department of Public Safety 36268
shall use the funding to fund the State Disaster Relief Program 36269
for disasters that have been declared by the Governor, and the 36270
State Individual Assistance Program for disasters that have been 36271
declared by the Governor and the federal Small Business 36272
Administration. The Ohio Emergency Management Agency shall publish 36273
and make available application packets outlining procedures for 36274
the State Disaster Relief Program and the State Individual 36275
Assistance Program. 36276

The Disaster Services Fund (5E2) shall be used by the 36277
Controlling Board, pursuant to requests submitted by state 36278
agencies, to transfer cash and appropriation authority to any fund 36279
and appropriation item for the payment of state agency disaster 36280
relief program expenses for disasters declared by the Governor, if 36281
the Director of Budget and Management determines that sufficient 36282

funds exist.	36283
The unencumbered balance of the Disaster Services Fund (5E2)	36284
at the end of fiscal year 2008 is transferred to fiscal year 2009	36285
for use for the same purposes as in fiscal year 2009.	36286
SOUTHERN OHIO CORRECTIONAL FACILITY COST	36287
The Division of Criminal Justice Services in the Department	36288
of Public Safety and the Public Defender Commission may each	36289
request, upon approval of the Director of Budget and Management,	36290
additional funds from appropriation item 911-401, Emergency	36291
Purposes/Contingencies, for costs related to the disturbance that	36292
occurred on April 11, 1993, at the Southern Ohio Correctional	36293
Facility in Lucasville, Ohio.	36294
MANDATE ASSISTANCE	36295
(A) The foregoing appropriation item 911-404, Mandate	36296
Assistance, shall be used to provide financial assistance to local	36297
units of government and school districts for the cost of the	36298
following two state mandates:	36299
(1) The cost to county prosecutors for prosecuting certain	36300
felonies that occur on the grounds of state institutions operated	36301
by the Department of Rehabilitation and Correction and the	36302
Department of Youth Services;	36303
(2) The cost to school districts of in-service training for	36304
child abuse detection.	36305
(B) The Division of Criminal Justice Services in the	36306
Department of Public Safety and the Department of Education may	36307
prepare and submit to the Controlling Board one or more requests	36308
to transfer appropriations from appropriation item 911-404,	36309
Mandate Assistance. The state agencies charged with this	36310
administrative responsibility are listed below, as well as the	36311
estimated annual amounts that may be used for each program of	36312

state financial assistance.			36313
		ESTIMATED	36314
	ADMINISTERING	ANNUAL	36315
PROGRAM	AGENCY	AMOUNT	36316
Prosecution Costs	Division of Criminal	\$150,000	36317
	Justice Services		36318
Child Abuse Detection	Department of	\$500,000	36319
Training Costs	Education		

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911-404, Mandate Assistance, the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education may request from the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program.

(D) In addition to making the initial transfers requested by the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education, the Controlling Board may transfer appropriations received by a state agency under this section back to appropriation item 911-404, Mandate Assistance, or to the other program of state financial assistance identified under this section.

(E) It is expected that not all costs incurred by local units of government and school districts under each of the two programs of state financial assistance identified in this section will be fully reimbursed by the state. Reimbursement levels may vary by program and shall be based on: the relationship between the appropriation transfers requested by the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the administering state agency; and the actual costs incurred by local units of government and school districts.

(F) Each of these programs of state financial assistance	36344
shall be carried out as follows:	36345
(1) PROSECUTION COSTS	36346
(a) Appropriations may be transferred to the Division of	36347
Criminal Justice Services in the Department of Public Safety to	36348
cover local prosecution costs for aggravated murder, murder,	36349
felonies of the first degree, and felonies of the second degree	36350
that occur on the grounds of institutions operated by the	36351
Department of Rehabilitation and Correction and the Department of	36352
Youth Services.	36353
(b) Upon a delinquency filing in juvenile court or the return	36354
of an indictment for aggravated murder, murder, or any felony of	36355
the first or second degree that was committed at a Department of	36356
Youth Services or a Department of Rehabilitation and Correction	36357
institution, the affected county may, in accordance with rules	36358
that the Division of Criminal Justice Services in the Department	36359
of Public Safety shall adopt, apply to the Division of Criminal	36360
Justice Services for a grant to cover all documented costs that	36361
are incurred by the county prosecutor's office.	36362
(c) Twice each year, the Division of Criminal Justice	36363
Services in the Department of Public Safety shall designate	36364
counties to receive grants from those counties that have submitted	36365
one or more applications in compliance with the rules that have	36366
been adopted by the Division of Criminal Justice Services for the	36367
receipt of such grants. In each year's first round of grant	36368
awards, if sufficient appropriations have been made, up to a total	36369
of \$100,000 may be awarded. In each year's second round of grant	36370
awards, the remaining appropriations available for this purpose	36371
may be awarded.	36372
(d) If for a given round of grants there are insufficient	36373
appropriations to make grant awards to all the eligible counties,	36374

the first priority shall be given to counties with cases involving 36375
aggravated murder and murder; second priority shall be given to 36376
counties with cases involving a felony of the first degree; and 36377
third priority shall be given to counties with cases involving a 36378
felony of the second degree. Within these priorities, the grant 36379
awards shall be based on the order in which the applications were 36380
received, except that applications for cases involving a felony of 36381
the first or second degree shall not be considered in more than 36382
two consecutive rounds of grant awards. 36383

(2) CHILD ABUSE DETECTION TRAINING COSTS 36384

Appropriations may be transferred to the Department of 36385
Education for disbursement to local school districts as full or 36386
partial reimbursement for the cost of providing in-service 36387
training for child abuse detection. In accordance with rules that 36388
the department shall adopt, a local school district may apply to 36389
the department for a grant to cover all documented costs that are 36390
incurred to provide in-service training for child abuse detection. 36391
The department shall make grants within the limits of the funding 36392
provided. 36393

(G) Any moneys allocated within appropriation item 911-404, 36394
Mandate Assistance, not fully utilized may, upon application of 36395
the Ohio Public Defender Commission, and with the approval of the 36396
Controlling Board, be disbursed to boards of county commissioners 36397
to provide additional reimbursement for the costs incurred by 36398
counties in providing defense to indigent defendants pursuant to 36399
Chapter 120. of the Revised Code. Application for the unutilized 36400
funds shall be made by the Ohio Public Defender Commission at the 36401
first June meeting of the Controlling Board. 36402

The amount to be disbursed to each county shall be allocated 36403
proportionately on the basis of the total amount of reimbursement 36404
paid to each county as a percentage of the amount of reimbursement 36405
paid to all of the counties during the most recent state fiscal 36406

year for which data is available and as calculated by the Ohio
Public Defender Commission. 36407
36408

BALLOT ADVERTISING COSTS 36409

Pursuant to requests submitted by the ~~Ohio Ballot Board~~ 36410
Secretary of State, the Controlling Board shall approve transfers 36411
from the foregoing appropriation item 911-441, Ballot Advertising 36412
Costs, to ~~the~~ a Secretary of State appropriation item in order to 36413
pay for the cost of public notices associated with statewide 36414
ballot initiatives. 36415

Of the foregoing appropriation item 911-441, Ballot 36416
Advertising Costs, up to \$1,100,000 in fiscal year 2008 shall be 36417
used to reimburse county boards of elections for all costs of 36418
conducting any special election during fiscal year 2008. 36419

The unencumbered balance of appropriation item 991-441, 36420
Ballot Advertising Costs, at the end of fiscal year 2008 shall be 36421
transferred to fiscal year 2009 for use under the same 36422
appropriation item. The amounts transferred are hereby 36423
appropriated. 36424

Section 610.45. That existing Section 249.10 of Am. Sub. H.B. 36425
119 of the 127th General Assembly, as amended by Am. Sub. S.B. 155 36426
of the 127th General Assembly, is hereby repealed. 36427

Section 610.50. That Sections 101.10, 103.80.50, 201.30, 36428
201.50, 301.20.20, 301.20.80, 401.11, and 401.71 of H.B. 496 of 36429
the 127th General Assembly be amended to read as follows: 36430

Sec. 101.10. All items set forth in this section are hereby 36431
appropriated out of any moneys in the General Revenue Fund (GRF) 36432
that are not otherwise appropriated: 36433

Reappropriations

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 36434

C10002	Rural Areas Community Improvements	\$	20,000	36435
C10008	Urban Areas Community Improvements	\$	868,900	36436
	Total Department of Administrative Services	\$	888,900	36437
	TOTAL GRF General Revenue Fund	\$	888,900	36438

RURAL AREAS COMMUNITY IMPROVEMENTS 36439

The foregoing appropriation item C10002, Rural Areas 36440
Community Improvements, shall be granted for the Red Mill Creek 36441
Water Retention Basin. 36442

URBAN AREAS COMMUNITY IMPROVEMENTS 36443

From the foregoing appropriation item C10008, Urban Areas 36444
Community Improvements, grants shall be made for the following 36445
projects: \$50,000 for the Brown Senior Center Renovations; 36446
\$100,000 for Project AHEAD Facility Improvements; \$75,000 for the 36447
J. Frank-Troy Senior Citizens Center; \$23,900 for the Canton 36448
Jewish Women's Center; ~~\$450,000 for the Gateway Social Services~~ 36449
~~Building;~~ \$200,000 for Pro Football Hall of Fame festival facility 36450
improvements; \$100,000 for the Children's Network of Stark County; 36451
\$75,000 for the Community Treatment and Correction Center, Inc.; 36452
\$75,000 for Trillium Family Solutions; \$50,000 for the Loew Field 36453
Improvements; \$20,000 for the Harvard Community Services Center 36454
Renovation & Expansion; \$20,000 for the Collinwood Community 36455
Service Center Repair & Renovation; and \$80,000 for Bowman Park - 36456
City of Toledo. 36457

Reappropriations

Sec. 103.80.50. EXP EXPOSITIONS COMMISSION 36458

C72300	Electric and Lighting Upgrade	\$	112,020	36459
C72301	Land Acquisition	\$	5,240	36460
C72303	Building Renovations - 5	\$	4,576,484	36461
C72305	Facility Improvements and Modernization	\$	131,771	36462
	Plan			
C72309	Masonry Renovations	\$	59,824	36463

C72310	Restroom Renovations	\$	9,559	36464
C72312	Emergency Renovations and Equipment Replacement	\$	891,533	36465
C72314	Multi-purpose Building	\$	14,000,000	36466
	Total Expositions Commission	\$	19,786,431 <u>5,786,431</u>	36467

Sec. 201.30. All items set forth in this section are hereby 36469
appropriated out of any moneys in the state treasury to the credit 36470
of the Cultural and Sports Facilities Building Fund (Fund 7030) 36471
that are not otherwise appropriated: 36472

Reappropriations

	AFC CULTURAL FACILITIES COMMISSION			36473
C37102	Center of Science and Industry - Toledo	\$	12,268	36474
C37114	Woodward Opera House Renovation	\$	1,150,000	36475
C37118	Statewide Site Repairs	\$	100,100	36476
C37124	Waco Museum & Aviation Learning Center	\$	500,000	36477
C37131	Bramley Historic House	\$	75,000	36478
C37132	Beck Center for the Cultural Arts	\$	100,000	36479
C37133	Delaware County Cultural Arts Center	\$	40,000	36480
C37137	West Side Arts Consortium	\$	138,000	36481
C37138	Ice Arena Development	\$	5,500,000	36482
C37139	Stan Hywet Hall & Gardens	\$	1,000,000	36483
C37141	Spring Hill Historic Home	\$	125,000	36484
C37143	Lorain Palace Civic Theatre	\$	200,000	36485
C37144	Great Lakes Historical Society	\$	150,000	36486
C37153	Historic Sites and Museums	\$	980,319	36487
C37155	Buffington Island State Memorial	\$	33,475	36488
C37182	Lorain County Historical Society	\$	300,000	36489
C37184	Marion Palace Theatre	\$	1,575,000	36490
C37185	McConnellsville Opera House	\$	75,000	36491
C37186	Secrest Auditorium	\$	75,000	36492
C37187	Renaissance Theatre	\$	700,000	36493

C37188	Trumpet in the Land	\$	100,000	36494
C37189	Mid-Ohio Valley Players	\$	80,000	36495
C37190	The Anchorage	\$	50,000	36496
C37193	Galion Historic Big Four Depot Restoration	\$	170,000	36497
C37195	Lake County Historical Society	\$	250,000	36498
C37196	Hancock Historical Society	\$	75,000	36499
C37197	Riversouth Development	\$	1,000,000	36500
C37198	Ft. Piqua Hotel	\$	200,000	36501
C37199	Marina District Amphitheatre and Related Development	\$	2,000,000	36502
C371A1	Lima Historic Athletic Field	\$	100,000	36503
C371A3	Voice Of America Museum	\$	275,000	36504
C371A5	Clark County Community Arts Expansion Project	\$	500,000	36505
C371A6	Westcott House Historic Site	\$	75,000	36506
C371A8	Miami Township Community Amphitheatre	\$	50,000	36507
C371A9	Western Reserve Historical Society	\$	2,500,000	36508
C371B0	Cleveland Steamship Mather Museum	\$	100,000	36509
C371B5	Arts Castle	\$	100,000	36510
C371B6	Cincinnati Art and Technical Academy	\$	325,000	36511
C371B7	Ohio Glass Museum	\$	250,000	36512
C371B9	Ariel Theatre	\$	100,000	36513
C371C2	Ensemble Theatre	\$	450,000	36514
C371C4	Art Academy of Cincinnati	\$	100,000	36515
C371C5	Riverbend Pavilion Improvements	\$	250,000	36516
C371C7	Music Hall: Over-The-Rhine	\$	750,000	36517
C371C8	John Bloomfield Home Restoration	\$	720	36518
C371C9	Malinta Historical Society Caboose Exhibit	\$	6,000	36519
C371D1	Art Deco Markay Theatre	\$	200,000	36520
C371D4	Broad Street Historical Renovation	\$	300,000	36521
C371D5	Amherst Historical Society	\$	35,000	36522

C371D6	COSI - Toledo	\$	980,000	36523
C371D7	Ohio Theatre - Toledo	\$	100,000	36524
C371E2	Aurora Outdoor Sports Complex	\$	50,000	36525
C371E3	Preble County Historical Society	\$	100,000	36526
C371E4	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	36527
C371F0	Richard Howe House	\$	100,000	36528
C371F2	Packard Music Hall Renovation Project	\$	575,000	36529
C371F3	Holland Theatre	\$	100,000	36530
C371F6	Marietta Colony Theatre	\$	335,000	36531
C371G7	Huntington Park	\$	7,000,000	36532
C371G9	Riverbend - Cincinnati Symphony	\$	3,000,000	36533
C371H0	Marina District Amphitheatre	\$	2,900,000	36534
C371H1	Cincinnati Museum Center	\$	2,000,000	36535
C371H2	National Underground Railroad Freedom Center	\$	2,000,000	36536
C371H4	Pro Football Hall of Fame	\$	1,650,000	36537
C371H5	Heritage Center - Dayton	\$	1,300,000	36538
C371H6	Western Reserve Historical Society	\$	1,000,000	36539
C371H7	COSI Columbus	\$	1,000,000	36540
C371H8	Columbus Museum of Art	\$	1,000,000	36541
C371I0	Stan Hywet Hall and Gardens	\$	1,175,000	36542
C371I1	Akron Art Museum	\$	1,000,000	36543
C371I2	Sauder Village	\$	830,000	36544
C371I3	Horvitz Center for the Arts	\$	750,000	36545
C371I4	Ensemble Theatre	\$	750,000	36546
C371I5	Voice of America Museum	\$	750,000	36547
C371I6	Cleveland Steamship Mather	\$	600,000	36548
C371I7	Cuyahoga County Soldier and Sailor Monument	\$	500,000	36549
C371I8	King-Lincoln Arts and Entertainment District	\$	500,000	36550
C371I9	Art Academy of Cincinnati	\$	500,000	36551
C371J0	Great Lakes Historical Society	\$	500,000	36552

C371J3	Davis Shai Historical Facility	\$	300,000	36553
C371J4	Massillon Museum	\$	275,000	36554
C371J5	The Mandel Center	\$	250,000	36555
C371J6	Peggy R McConnell Arts Center	\$	250,000	36556
C371J7	Columbus College of Art and Design	\$	250,000	36557
C371J9	Stambaugh Hall Improvements	\$	250,000	36558
C371K0	Youngstown Symphony Orchestra	\$	250,000	36559
C371K1	Wood County Historical Center/Museum	\$	220,000	36560
C371K3	Cincinnati Ballet	\$	200,000	36561
C371K4	City of Avon Stadium Complex	\$	200,000	36562
C371K5	Renaissance Performing Arts Center	\$	200,000	36563
C371K6	Oxford Arts Center	\$	174,000	36564
C371K7	Wayne County Historical Society	\$	170,000	36565
C371K8	Maumee Valley Historical Society	\$	150,000	36566
C371K9	Trumbull County Historical Society	\$	150,000	36567
C371L0	First Lunar Flight Project	\$	25,000	36568
C371L1	Holmes County Historical Society Improvements	\$	140,000	36569
C371L2	Canal Winchester Historical Society <u>Westerville Parks & Recreation</u> <u>Firefighters Memorial/First Responder</u> <u>Park</u>	\$	125,000	36570
C371L3	Ukranian Museum	\$	100,000	36571
C371L4	Gordon Square Arts District	\$	100,000	36572
C371L5	Moreland Theatre Renovation	\$	100,000	36573
C371L6	Karamu House	\$	100,000	36574
C371L7	Symmes Township Historical Society	\$	100,000	36575
C371L8	Springfield Veterans Park Amphitheatre	\$	100,000	36576
C371L9	Gallia County Historical Genealogical Society	\$	100,000	36577
C371M1	The Octagon House	\$	100,000	36578
C371M2	Vinton County Stage-Pavilion Project	\$	100,000	36579
C371M3	County Line Historical	\$	100,000	36580

	Society-Wayne/Holmes			
C371M4	Paul Brown Museum	\$	75,000	36581
C371M5	The Works Ohio Center for History, Art and Technology	\$	75,000	36582
C371M8	Hale Farm and Village	\$	50,000	36583
C371M9	Howe House Historic Site	\$	50,000	36584
C371N0	Beavercreek Community Theatre	\$	50,000	36585
C371N1	Jamestown Opera House	\$	50,000	36586
C371N2	Johnny Appleseed Museum	\$	50,000	36587
C371N3	Vinton County Historical Society Alice House Project	\$	50,000	36588
C371N4	Woodward Opera House Renovations	\$	50,000	36589
C371N5	Little Brown Jug Facility Improvements	\$	50,000	36590
C371N6	Applecreek Historical Society	\$	50,000	36591
C371N7	Wyandot Historic Courthouse	\$	50,000	36592
C371N8	Galion Historical Big 4 Depot	\$	30,000	36593
C371N9	Bucyrus Historic Depot Renovations	\$	30,000	36594
C371O1	Arts West Performing Arts Center	\$	25,000	36595
C371O2	Chester Academy Historical Site	\$	25,000	36596
C371O3	Portland Civil War Museum and Historical Displays	\$	25,000	36597
C371O4	Morgan County Opera House	\$	25,000	36598
C371O5	Crawford Antique Museum	\$	9,000	36599
C371O6	Monroe City Historical Society Building Repair	\$	5,000	36600
C371O7	Wright Dunbar Historical Facility	\$	250,000	36601
C371O8	Nationwide Children's Hospital Livingston Park Cultural Improvements	\$	1,000,000	36602
C371P1	WACO Aircraft Museum	\$	30,000	36603
C371P2	Bradford Railroad Museum	\$	30,000	36604
C371P3	Cincinnati Ballet Facility	\$	415,000	36605
C371P5	Fort Recovery Renovations	\$	100,000	36606
C371P6	Music Hall Garage	\$	1,000,000	36607

C371P7	Hip Klotz Memorial	\$	150,000	36608
C371P8	AB Graham Center	\$	40,000	36609
	Total Cultural Facilities Commission	\$	64,803,882	36610
	TOTAL Cultural and Sports Facilities Building Fund	\$	64,803,882	36611

Sec. 201.50. All items set forth in this section are hereby 36613
appropriated out of any moneys in the state treasury to the credit 36614
of the School Building Program Assistance Fund (Fund 7032) that 36615
are not otherwise appropriated: 36616

Reappropriations

	SFC SCHOOL FACILITIES COMMISSION			36617
C23002	School Building Program Assistance	\$	3,572,253,121	36618
C23005	Exceptional Needs	\$	28,504,951	36619
C23010	Vocation Facilities Assistance Program	\$	11,115,616	36620
	Total School Facilities Commission	\$	3,611,873,688	36621
	TOTAL School Building Program Assistance Fund	\$	3,611,873,688	36622

CONSTRUCTION OF NEW BLIND AND DEAF SCHOOLS 36623

Of the foregoing appropriation item C23002, School Building 36624
Program Assistance, \$37,080,000 shall be used for constructing new 36625
facilities, or renovating existing facilities, or both, on the 36626
current campuses of the Ohio State School for the Blind and the 36627
Ohio School for the Deaf. Notwithstanding sections 123.01 and 36628
123.15 of the Revised Code and in addition to its powers under 36629
Chapter 3318. of the Revised Code, the Ohio School Facilities 36630
Commission shall administer the project pursuant to the memorandum 36631
of understanding that the Ohio State School for the Blind, the 36632
Ohio School for the Deaf, and the Ohio School Facilities 36633
Commission signed on October 31, 2007. The project shall comply to 36634
the fullest extent possible with the specifications and policies 36635
set forth in the Ohio School Facilities Design Manual and shall 36636
not be considered a part of any program created under Chapter 36637
3318. of the Revised Code. As agreed to by the parties in the 36638
memorandum of understanding, \$37,080,000 is sufficient to complete 36639

the construction or renovation of the facilities needed for the 36640
education of both the deaf and blind student communities and 36641
additional appropriations will not be required. Upon issuance by 36642
the Commission of a certificate of completion of the project, the 36643
Commission's participation in the project shall end. 36644

The Executive Director of the Ohio School Facilities 36645
Commission shall comply with the procedures and guidelines 36646
established in Chapter 153. of the Revised Code. Upon the release 36647
of funds for the project by the Controlling Board or the Director 36648
of Budget and Management, the Commission may administer the 36649
project without the supervision, control, or approval of the 36650
Director of Administrative Services. Any references to the 36651
Director of Administrative Services in the Revised Code, with 36652
respect to the administration of the project, shall be read as if 36653
they referred to the Director of the Ohio School Facilities 36654
Commission. 36655

Reappropriations

Sec. 301.20.20. BGU BOWLING GREEN STATE UNIVERSITY			36656
C24000	Basic Renovations	\$ 10,751,883	36657
C24001	Basic Renovations - Firelands	\$ 811,360	36658
C24002	Instructional and Data Processing Equipment	\$ 1,200,186	36659
C24004	ADA Modifications	\$ 19,544	36660
C24005	Child Care Facility	\$ 49,406	36661
C24007	Materials Network	\$ 90,981	36662
C24008	Video Link	\$ 10,644	36663
C24013	Hannah Hall Rehabilitation	\$ 2,005,522	36664
C24014	Biology Lab Renovation	\$ 12,533,708	36665
C24015	Campus-Wide Paving/Sidewalk Upgrade	\$ 4,899	36666
C24016	Student Learning	\$ 13,149	36667
C24017	Video Teaching Network	\$ 5,436	36668

C24019	Kinetic Spectrometry Consortium	\$	77,671	36669
C24020	Admissions Visitor Center	\$	3,000,000	36670
C24021	Theatre/Performing Arts Complex	\$	8,750,000	36671
C24022	University Hall Rehabilitation	\$	1,174,981	36672
C24025	Administration Building Fire Alarm System	\$	83,986	36673
C24026	Campus-Wide Carpet Upgrade	\$	329,700	36674
C24027	Reroof East, West, and North Buildings	\$	173,999	36675
C24028	Instructional Laboratory - Phase 1	\$	960,000	36676
C24031	Health Center Addition	\$	9,750,000	36677
C24032	Student Services Building Replacement	\$	8,100,000	36678
C24033	BGU Aviation Improvements	\$	500,000	36679
C24034	Tunnel Upgrade-Phase II	\$	98,820	36680
C24035	Library Depository Northwest	\$	56,000	36681
<u>C24036</u>	<u>Wood County Environmental Health Project</u>	<u>\$</u>	<u>700,000</u>	36682
Total Bowling Green State University		\$	60,551,875 <u>61,251,875</u>	36683

Reappropriations

Sec. 301.20.80.	OSU OHIO STATE UNIVERSITY			36685
C31500	Basic Renovations	\$	34,349,496	36686
C31501	Basic Renovations - Regional Campuses	\$	6,506,516	36687
C31502	Brown Hall Annex Replacement	\$	6,213	36688
C31505	Basic Renovations - ATI	\$	129,714	36689
C31506	Supplemental Renovations - OARDC	\$	3,319,202	36690
C31507	Supplemental Renovations - Regional	\$	191,955	36691
C31508	Dreese Lab Addition	\$	5,953	36692
C31510	Bioscience/Parks Hall Addition	\$	12,584	36693
C31512	Greenhouse Modernization	\$	40,982	36694
C31515	Life Sciences Research Building	\$	218,170	36695
C31520	Food Science & Technology Building	\$	92,786	36696
C31522	Heart & Lung Institute	\$	32,437	36697
C31523	Superconducting Radiation	\$	65,094	36698

C31524	Brain Tumor Research Center	\$	6,001	36699
C31525	Engineering Center Net Shape Manufacturing	\$	20,730	36700
C31526	Membrane Protein Typology	\$	8,835	36701
C31527	Instructional and Data Processing Equipment	\$	6,014,848	36702
C31528	Fine Particle Technologies	\$	116,770	36703
C31529	Advanced Plasma Engineering	\$	22,690	36704
C31530	Plasma Ramparts	\$	1,150	36705
C31531	IN-SITU AL-BE Composites	\$	1,733	36706
C31532	Jay Cooke Residence - Roof and Windows	\$	86,668	36707
C31535	Asbestos Abatement	\$	5,325	36708
C31536	Materials Network	\$	91,983	36709
C31537	Bio-Technology Consortium	\$	42,378	36710
C31538	Analytical Electron Microscope	\$	375,000	36711
C31539	High Temp Alloys & Alluminoids	\$	220,000	36712
C31541	Supplemental Renovations - ATI	\$	33,969	36713
C31542	Maintenance, Receiving, and Storage Facility - Marion	\$	58,646	36714
C31543	McPherson Lab Rehabilitation	\$	37,243	36715
C31544	Heart and Lung Institute	\$	101,808	36716
C31546	ADA Modifications - ATI	\$	41,936	36717
C31547	ADA Modifications - Lima	\$	358	36718
C31548	ADA Modifications - Mansfield	\$	15,253	36719
C31550	Titanium Alloys	\$	54,912	36720
C31552	Advanced Manufacturing	\$	38,579	36721
C31553	Manufacturing Processes/Materials	\$	62,574	36722
C31554	Terhertz Studies	\$	35,294	36723
C31556	Marion Park/Road/Sidewalk/Lights	\$	2,750	36724
C31557	Pomerene Lighting/Wiring	\$	249,584	36725
C31558	NMR Consortium	\$	75,116	36726
C31559	Versatile Film Facility	\$	62,872	36727
C31560	OCARNET	\$	5,916	36728

C31561	Bioprocessing Research	\$	1,905	36729
C31562	Localized Corrosion Research	\$	6,128	36730
C31563	ATM Testbed	\$	3,633	36731
C31564	Physical Sciences Building	\$	79,383	36732
C31565	Morrill Hall Remodeling - Vacated Library Space - Marion	\$	923	36733
C31568	Sisson Hall Replacement	\$	5,537	36734
C31570	Machinery Acoustics	\$	3,804	36735
C31571	Sensors and Measurements	\$	15,115	36736
C31572	Polymer Magnets	\$	1,099	36737
C31574	Al Alloy Corrosion	\$	14,292	36738
C31578	Page Hall Planning	\$	7,210	36739
C31579	Botany & Zoology Building Planning	\$	209,467	36740
C31581	Robinson Laboratory Planning	\$	36,765	36741
C31582	Don Scott Field Replacement Barns	\$	1,495,619	36742
C31583	Galvin Hall 3rd Floor Renovation - Lima	\$	22,135	36743
C31584	Horticultural Operations Center - ATI	\$	1,475,400	36744
C31585	OARDC Feed Mill	\$	5,050,968	36745
C31587	Biological Sciences Cooling Tower	\$	6,930	36746
C31589	Mount Hall HVAC Modifications	\$	40,982	36747
C31591	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	49,275	36748
C31592	Plant and Microbe Functional Genomics Facilities	\$	16,259	36749
C31593	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	149,066	36750
C31594	Bone & Mineral Metabolism Research Lab	\$	5,845	36751
C31597	Animal & Plant Biology Level 3	\$	8,133,780	36752
C31598	Main Library Rehabilitation	\$	56,456,214	36753
C31599	Psychology Building	\$	57,722	36754
C315A0	Thorne Hall and Gowley Hall Renovations - Phase 3	\$	598,043	36755

C315A2	Nanosecond Infrared Measurement	\$	2,588	36756
C315A4	Millimeter/Submillimeter Instrument	\$	5,919	36757
C315A5	X-Ray Powder Diffractometer	\$	558	36758
C315A6	Deconvolution Microscope	\$	1,101	36759
C315B2	Denney Hall Renovation - Phase I	\$	18,495	36760
C315B3	Ion Mass Spectrometry	\$	6,594	36761
C315B5	Role of Molecular Interfaces	\$	17,773	36762
C315B8	New Millimeter Spectrometer	\$	24,996	36763
C315C2	1224 Kinnear Road - Bale	\$	11,105	36764
C315C3	Non-Silicon Micromachining	\$	73,991	36765
C315C4	High Performance Computing	\$	2,910	36766
C315C5	Veterinary Hospital Auditorium Renovation	\$	7,736	36767
C315D0	OARDC Boiler Replacement	\$	656,442	36768
C315D2	Supercomputer Center Expansion	\$	1,600,414	36769
C315D5	Information Literacy	\$	24,824	36770
C315D6	Online Business Major	\$	6,618	36771
C315D8	Renovation of Graves Hall	\$	68,196	36772
C315E0	OARDC Wooster Phone System Replacement	\$	467,398	36773
C315E1	Utility - North Tunnel Steamline Upgrade	\$	114,298	36774
C315E2	Dual Beam Characterization	\$	150,000	36775
C315E6	Environmental Technology Consortium	\$	11,297	36776
C315E7	Campbell, University, and Evans Hall	\$	45,877	36777
C315E8	Laboratory Animal Facility	\$	83,481	36778
C315F1	Western Branch Headquarters & Machinery Building	\$	662,850	36779
C315F2	Muck Crops Branch/Shop Building Replacement	\$	782,173	36780
C315F3	Hazardous Waste Handling/Storage Building	\$	1,103,062	36781
C315F4	Agriculture/Engineering Building Renovation & Addition	\$	200,000	36782
C315F5	Wood County Center for Agriculture <u>OSU</u>	\$	1,000,000	36783

	<u>Extension Office/Agriculture Business</u>		<u>300,000</u>	
	<u>Enhancement Center</u>			
C315F6	Community Heritage Art Gallery - Lima	\$	100,000	36784
C315F8	Nanotechnology Molecular Assembly	\$	437,296	36785
C315F9	Networking and Communication	\$	478,761	36786
C315G0	Planetary Gear	\$	125,000	36787
C315G1	X-Ray Fluorescence Spectrometer	\$	2,283	36788
C315G2	Precision Navigation	\$	85,000	36789
C315G3	Welding & Metal Working	\$	200,000	36790
C315G5	Inductively Coupled Plasma Etching	\$	126,492	36791
C315G6	Accelerated Metals	\$	1,020,331	36792
C315G7	Mathematical Biosciences Institute	\$	9,819	36793
C315G9	Mershon Auditorium HVAC System	\$	3,379	36794
	Improvements			
C315H0	Molecular Microdevices	\$	2,066	36795
C315H1	Research Center HVAC System Improvements	\$	38,052	36796
C315H2	Infrared Absorption Measurements	\$	3,423	36797
C315H3	Dark Fiber	\$	2,532,628	36798
C315H4	Shared Data Backup System	\$	96,876	36799
C315H6	Third Frontier Network Testbed	\$	202,763	36800
C315H7	Distributed Learning Workshop	\$	2,500	36801
C315H8	Accelerated Maturation of Materials	\$	42,279	36802
C315H9	Nanoscale Polymers Manufacturing	\$	358,802	36803
C315J0	Hydrogen Production and Storage	\$	217	36804
C315J1	Ohio Organic Semiconductor	\$	226,422	36805
C315J4	Comprehensive Cancer - Chiller	\$	19,187	36806
	Replacement			
C315J5	Kottman Hall - 103 Central Classroom	\$	20,893	36807
C315J7	Low Cost Nanocomposite Foams	\$	101,705	36808
C315J8	West Campus Chilled Water & Scott Hall	\$	20,093	36809
C315J9	McCracken Power Plant Spill Control	\$	120,251	36810
C315K0	Glacial Assessment	\$	22,764	36811
C315K2	Center for Advanced Propulsion and Power	\$	1,313,076	36812

C315K3	Parks Hall Chiller Replacement	\$	134,678	36813
C315K4	Hybrid Electric Vehicle Modeling	\$	363,452	36814
C315K5	Computational Nanotechnology	\$	500,000	36815
C315K6	Townshend Hall - Roof Replacement	\$	328,772	36816
C315K8	Veterinary Hospital Roof Replacement Phase II	\$	174,815	36817
C315K9	Hopkins Hall Phase II Priorities I, II	\$	41,756	36818
C315L0	Bioscience 6th Floor Renovation - Priority	\$	140,937	36819
C315L1	Ohio Commons For Digital Education	\$	14,594	36820
C315L2	Postle Hall Fire Alarm Replacement	\$	116,441	36821
C315L3	NonCredit Job Education & Training	\$	14,201	36822
C315L4	Campus South Dorms Renovation/Improvements	\$	3,767	36823
C315L5	Bricker Hall Roof Replacement	\$	23,608	36824
C315L8	Cooperative Control Testbed	\$	3,000	36825
C315M0	Neuroscience Center Core	\$	576	36826
C315M2	Campus Grounds-Exterior Lighting - Phase VIII	\$	31,523	36827
C315M3	930 Kinnear Road Renovations	\$	181,402	36828
C315M4	Waterman Lab & Don Scott Field	\$	23,528	36829
C315M5	Lincoln Tower Renovations - Phase I	\$	254,767	36830
C315M6	Coe Corrosion Coop	\$	56,781	36831
C315M7	OSU Cancer Program Expansion	\$	2,000,000	36832
C315M8	Smith Laboratory Rehabilitation	\$	2,799,448	36833
C315M9	Warner Library and Student Center	\$	1,618,275	36834
C315N0	Hopewell Hall Science Suite	\$	508,408	36835
C315N1	Atomic Force Microscopy	\$	180,000	36836
C315N2	Interactive Applications	\$	344,865	36837
C315N3	Platform Lab	\$	76,685	36838
C315N4	Integrated Biomass to Electricity	\$	392,680	36839
C315N8	Center for Polymer Nanomaterials	\$	9,801,899	36840
C315N9	Ohio Bioproducts Innovation Center	\$	7,765,250	36841

C315P1	Specialized Planetary Gears	\$	40,920	36842
C315P2	OSU Agricultural Building	\$	295,409	36843
C315P3	Automated AFM System	\$	618	36844
C315P4	Integrated Wireless Communication	\$	3,454	36845
C315P5	Newton Hall-Roof Replacement	\$	140,646	36846
C315P6	Chirped-Pulse Amplifier	\$	258,732	36847
C315P7	Central Classroom Building Renovation	\$	55,686	36848
C315P9	Airport Hangers 1 2 & 3 Roof Replacement	\$	485,250	36849
C315Q0	Veterinary Hospital Holding Replacement	\$	1,902,970	36850
C315Q1	Aeronautical and Astronautical Research Lab-Roof Replacement	\$	676,482	36851
C315Q2	Superconductivity Technology Center	\$	324,136	36852
C315Q3	Periodic Materials Assemblies	\$	60,239	36853
C315Q4	Biological Sciences Building Supply Fan Replacement	\$	628,573	36854
C315Q5	Biological Sciences Building-Fume Hood Repairs	\$	968,531	36855
C315Q6	Kottman Hall Fume Hood Repairs	\$	1,476,940	36856
C315Q7	Photonic Force Microscope	\$	4,887	36857
C315Q9	Brown Hall Renovation/Replacement	\$	3,500,000	36858
C315R0	Hughes Hall Renovation	\$	1,500,000	36859
C315R1	COMPH Academic Center	\$	5,000,000	36860
C315R2	Murray Hall Renovation	\$	1,000,000	36861
C315R3	New Student Life Building	\$	1,000,000	36862
C315R4	Founders/Hopewell Hall Renovation	\$	1,960,080	36863
C315R5	Agricultural and Biological Engineering Building Renovation	\$	4,000,000	36864
C315R6	Selby Hall Phytotron Facility Renovation	\$	2,000,000	36865
C315R7	Stone Laboratory Resource Facility Improvements	\$	500,000	36866
C315R8	OSU Extension Safety Improvements in Madison County	\$	94,000	36867
C315R9	Camp Clifton Improvements	\$	90,000	36868

C315S0	Delaware Speech & Hearing with OSU Medical College	\$	75,000	36869
C315S1	Kottman Hall-Windows/Masonry Renovation	\$	1,065,280	36870
C315S2	Postle Hall Partial Window Replacement	\$	630,000	36871
C315S3	Celeste Lab Fume Hood Repairs	\$	1,000,300	36872
C315S4	Utility Upgrade/East Campus Area	\$	45,969	36873
Total Ohio State University		\$	200,348,786 <u>199,648,786</u>	36874

~~WOOD COUNTY CENTER FOR AGRICULTURE~~ OSU EXTENSION 36875

OFFICE/AGRICULTURE BUSINESS ENHANCEMENT CENTER 36876

~~Of the~~ The foregoing appropriation item C315F5, ~~Wood County~~ 36877
~~Center for Agriculture~~ OSU Extension Office/Agriculture Business 36878
Enhancement Center, ~~up to \$300,000~~ shall be used for building 36879
renovations to the ~~OSU Extension Office/Ag Business Enhancement~~ 36880
Center. 36881

Sec. 401.11. RIVERFRONT IMPROVEMENTS 36882

Of the foregoing reappropriation item C725D0, Riverfront 36883
Improvements, \$1,000,000 shall be used for the Riverfront West 36884
Park Development - Cincinnati Park Board, Hamilton County. 36885

LOCAL PARKS PROJECTS 36886

Of the foregoing appropriation item C725E2, Local Parks 36887
Projects, \$2,000,000 shall be used for the Center City Park in 36888
Springfield; \$1,200,000 shall be used for the Cincinnati Zoo; 36889
\$1,000,000 shall be used for the East Bank/Flats Project; 36890
\$1,000,000 shall be used by the Warren County Park District for 36891
Land Acquisition or Improvements; \$540,000 shall be used for Tar 36892
Hollow State Park Improvements; \$300,000 shall be used by the City 36893
of Mason for Handicap Accessible Park Improvements; \$250,000 shall 36894
be used for Van Buren State Park ~~Land Acquisitions~~ Camp Ground 36895
Electrification and Restroom Facilities Improvements; ~~\$200,000~~ 36896
~~shall be used for Harrison Village Historical Society Phoenix Park~~ 36897

~~Museum~~; \$200,000 shall be used for Indian Lake State Park Dredging 36898
Improvements; \$191,000 shall be used for Deerfield Township 36899
Simpson Creek Erosion Mitigation and Bank Control; \$185,000 shall 36900
be used for the City of Wilmington Park Upgrades/Tennis Courts; 36901
\$175,700 shall be used for the Georgetown Community Tennis Park; 36902
\$150,000 shall be used for Kelleys Island Park Improvements; 36903
\$150,000 shall be used for Perry Township Camp Improvements; 36904
\$100,000 shall be used for Mountain Bike Park/Midtown Cleveland; 36905
\$100,000 shall be used for the Chester Township Park; \$100,000 36906
shall be used for the Wyoming City Regional Park; \$100,000 shall 36907
be used for the Hamilton County Stadium Facilities; \$69,000 shall 36908
be used for Miami Erie Canal Repairs in Spencerville; \$60,000 36909
shall be used for Marseilles Reservoir Bulk Head Project; \$50,000 36910
shall be used for Beavercreek/John Aekeney Soccer Field and Park; 36911
\$50,000 shall be used for the Beavercreek Community Athletic 36912
Association Facility and Park Upgrade; \$50,000 shall be used for 36913
the Columbus Zoo Education Center; \$50,000 shall be used for 36914
Dillon State Park Upgrades; \$50,000 shall be used for Indian Lake 36915
State Park Shoreline Improvements; \$25,000 shall be used for the 36916
Cleveland Police and Firefighters Memorial Park; \$25,000 shall be 36917
used for Grand Lake St. Mary's Improvements; \$25,000 shall be used 36918
for Geauga Veterans Monument Park Improvements; \$19,000 shall be 36919
used for East Fork State Park-Harsha Lake Dock Improvements; 36920
\$10,000 shall be used for the Marine Corps League Park/Monument; 36921
\$10,000 shall be used for Huntington Township Park Improvements; 36922
and \$5,000 shall be used for Morrow County Bicentennial Park. 36923
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STATEWIDE TRAILS PROGRAM 36926
Of the foregoing reappropriation item C725L8, Statewide 36927
Trails Program, \$2,000,000 shall be used for the Ohio to Erie 36928
Trail by Franklin County Metro Parks; \$1,900,000 shall be used for 36929

the Cuyahoga Towpath Trail; and \$210,000 shall be used for the 36930
Trumbull Bike Trail. 36931

FEDERAL REIMBURSEMENT 36932

All reimbursements received from the federal government for 36933
any expenditures made pursuant to Sections 401.10 and 401.11 of 36934
this act shall be deposited in the state treasury to the credit of 36935
the Parks and Recreation Improvement Fund. 36936

Sec. 401.71. The Ohio Public Facilities Commission is hereby 36937
authorized to issue and sell, in accordance with Section ~~2m~~ 2p of 36938
Article VIII, Ohio Constitution, and pursuant to sections 151.01 36939
and 151.08 of the Revised Code, original obligations of the state, 36940
in an aggregate principal amount not to exceed \$120,000,000, in 36941
addition to the original obligations heretofore authorized by 36942
prior acts of the General Assembly. These authorized obligations 36943
shall be issued and sold from time to time, subject to applicable 36944
constitutional and statutory limitations, as needed to ensure 36945
sufficient moneys to the credit of the State Capital Improvements 36946
Fund (Fund 7038) to pay costs of the state in financing or 36947
assisting in the financing of local subdivision capital 36948
improvement projects. 36949

Section 610.51. That existing Sections 101.10, 103.80.50, 36950
201.30, 201.50, 301.20.20, 301.20.80, 401.11, and 401.71 of H.B. 36951
496 of the 127th General Assembly are hereby repealed. 36952

Section 620.10. That Section 375.80.10 of Am. Sub. H.B. 119 36953
of the 127th General Assembly is hereby repealed. 36954

Section 620.20. That Section 5 of Am. Sub. H.B. 24 of the 36955
127th General Assembly is hereby repealed. 36956

Section 701.10. (A) As used in this section, "employer" has 36957

the same meaning as in division (D) of section 145.01 of the Revised Code. 36958
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(B) Notwithstanding the penalty provided for in section 145.47 of the Revised Code as it existed immediately prior to its amendment by this act, the Public Employees Retirement System shall recalculate, as described in this section, any penalty incurred under that section by an employer during the period beginning April 1, 2006, and ending the day before the effective date of this section, if the retirement system receives the recalculated amount not later than thirty days after the effective date of this section. The penalty shall be recalculated in accordance with section 145.47 of the Revised Code, as amended by this act. 36960
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(C) If an employer fails to pay the recalculated amount in accordance with division (B) of this section, the retirement system shall reinstate to the original amount any penalty that was recalculated under division (B) of this section. If an employer fails to pay the reinstated penalty, that amount shall be withheld from the employer on certification by the Public Employees Retirement Board to the Director of Budget and Management or the county auditor, as appropriate. 36971
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(D) If, prior to the effective date of this section, an employer described in division (B) of this section paid the penalty in accordance with section 145.47 of the Revised Code, as it existed immediately prior to its amendment by this act, the retirement system shall credit to the employer's account the difference between the amount of the penalty that was paid and the recalculated penalty to reduce any amounts due from the employer under Chapter 145. of the Revised Code. The credit shall be completed not later than six months after the effective date of this section. 36979
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Section 703.20. Notwithstanding section 321.261 of the 36989
Revised Code, in any county that has a population exceeding four 36990
hundred thousand according to the most recent decennial census and 36991
upon certification by the county treasurer and the prosecuting 36992
attorney that surplus funds exist in the delinquent tax and 36993
assessment collection fund, a board of county commissioners of a 36994
county may, by resolution, authorize the use of up to the amount 36995
in the county's delinquent tax and assessment collection fund 36996
certified as surplus by the county treasurer and prosecuting 36997
attorney to prevent residential mortgage foreclosures in the 36998
county and to assist municipal corporations located in the county 36999
in the nuisance abatement of deteriorated residential buildings. 37000
The board of county commissioners shall appropriate moneys to the 37001
county treasurer or the prosecuting attorney for use in the 37002
prevention of residential mortgage foreclosures in the county and 37003
to fund grants to nonprofit corporations that are housing 37004
counseling agencies and to fund service contracts with nonprofit 37005
corporations that are housing counseling agencies and that, in 37006
furtherance of foreclosure prevention activities, provide 37007
financial assistance in the form of grants or loans to borrowers 37008
in default on their home mortgages, including for the payment of 37009
late fees, to clear arrearage balances, and to augment moneys used 37010
in the county's Foreclosure Prevention and Homebuyer Education 37011
Programs. The board of county commissioners shall appropriate 37012
moneys to the county treasurer or the prosecuting attorney for 37013
use, upon application from a political subdivision, in the 37014
nuisance abatement of deteriorated residential buildings, 37015
including paying the costs of boarding up and securing those 37016
buildings and lot maintenance and demolition costs. 37017

Section 705.10. Notwithstanding section 5709.73 of the 37018
Revised Code, a board of township trustees of a township with a 37019

population exceeding fifty-five thousand according to the most 37020
recent federal decennial census may adopt a resolution under 37021
division (B) of that section on or before December 31, 2008, by 37022
majority vote. Such a board may adopt a resolution under division 37023
(C) of that section on or before December 31, 2008, by majority 37024
vote, if the other requirements of that division are satisfied. 37025

Section 707.10. The Ohio Police and Fire Pension Fund Board 37026
shall file a semiannual report with the Ohio Retirement Study 37027
Council with respect to any investments sold, redeemed, divested, 37028
or withdrawn due to a company's business ties to Iran or Sudan. 37029

Section 711.10. (A) As used in this section, "Community 37030
development bank" has the meaning as set forth in the "Federal 37031
Deposit Insurance Corporation Improvement Act of 1991," 105 Stat. 37032
2317, 12 U.S.C. 1834b(e)(1). 37033

(B) Notwithstanding any contrary provision of section 135.33 37034
of the Revised Code, a community development bank, pursuant to 37035
that section, may apply to, and be designated by, a county as a 37036
depository of active moneys during the county's period of 37037
designation in effect on the effective date of this section if all 37038
of the following apply: 37039

(1) The bank is located in a county with a population of over 37040
one million three hundred thousand people based on the most recent 37041
decennial census figures from the United States Department of 37042
Commerce, Division of Census; 37043

(2) The bank has previously served the county described in 37044
division (B)(1) of this section as a depository; 37045

(3) The bank applies to the county described in division 37046
(B)(1) of this section to be a depository; and 37047

(4) The bank is an eligible institution under section 135.32 37048

of the Revised Code. 37049

Section 715.10. The Department of Natural Resources and the 37050
Department of Public Safety shall seek all available federal money 37051
to assist the City of Findlay in rebuilding infrastructure or 37052
building preventative infrastructure with respect to flood 37053
mitigation and preparation. 37054

Section 715.20. The General Assembly hereby declares that a 37055
loan that is currently outstanding and that was granted prior to 37056
1995 by the Ohio Water Development Authority to a regional water 37057
and sewer district concerning which the district originally 37058
received only an initial advance of less than \$5,000 from an 37059
original loan agreement of \$100,000 is hereby void and shall not 37060
be collected by the Authority. 37061

Section 715.40. It is the intent of the General Assembly that 37062
the authorization of a transfer of a portion of the interest money 37063
in the Coal-Workers Pneumoconiosis Fund created in section 4131.03 37064
of the Revised Code, by the amendment of that section by this act, 37065
to the Mine Safety Fund created in section 1561.24 of the Revised 37066
Code, as enacted by this act, is not to be a long-term funding 37067
source for the Mine Safety Fund. In addition, the General 37068
Assembly's authorization of such a transfer by this act does not 37069
establish a precedent for the transfer of money from other Bureau 37070
of Workers' Compensation funds to other funds. Finally, the 37071
Department of Natural Resources shall examine sources other than 37072
the Coal-Workers Pneumoconiosis Fund to provide money for the Mine 37073
Safety Fund and report its findings to the Bureau of Workers' 37074
Compensation Board of Directors immediately prior to the five-year 37075
review of the rules adopted under division (B)(2) of section 37076
4131.03 of the Revised Code, as amended by this act. 37077

37078

Section 733.10. (A) As used in this section:	37079
(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.	37080 37081 37082 37083 37084 37085
(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.	37086 37087 37088 37089
(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:	37090 37091 37092
(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;	37093 37094 37095 37096
(b) Transitional aid calculated under Section 206.09.39 of that act, as amended.	37097 37098
(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.	37099 37100 37101 37102
(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.	37103 37104 37105 37106
(6) "Total taxes charged and payable for current expenses" has the same meaning as in section 3317.0216 of the Revised Code.	37107 37108

(7) "2005 local revenue adjustment" means the amount of total taxes charged and payable for current expenses, as calculated for an eligible school district for fiscal year 2007, that is attributable to the tax exempt public utility property that was included in the certification made under division (A)(3)(a) of section 3317.021 of the Revised Code for that fiscal year.

(8) "2006 local revenue adjustment" means the amount of total taxes charged and payable for current expenses, as calculated for an eligible school district for fiscal year 2008, that is attributable to the tax exempt public utility property that was included in the certification made under division (A)(3)(a) of section 3317.021 of the Revised Code for that fiscal year.

(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 by reducing the district's total taxes charged and payable for current expenses for that fiscal year by the 2005 local revenue 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 and revenue 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.

(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, 37141
and by reducing the district's total taxes charged and payable for 37142
current expenses for that fiscal year by the 2006 local revenue 37143
adjustment, and pay the district the increase in state education 37144
aid resulting from the recomputation. Each component of state 37145
education aid affected by the valuation and revenue adjustment 37146
shall be recomputed. The payment shall be made from money 37147
appropriated for fiscal year 2008 under the appropriation line 37148
items corresponding with the components of state education aid 37149
required to be recomputed under this division. The amount of the 37150
payment shall be divided in equal amounts among the remaining 37151
payments of state education aid required to be made during fiscal 37152
year 2008 that have not been paid before the effective date of 37153
this section, and paid at the same time as those payments. 37154

(3) The recomputed total taxable value, the recomputed total 37155
taxes charged and payable for current expenses, and state 37156
education aid recomputed under divisions (B)(1) and (2) of this 37157
section shall be regarded as the district's total taxable value, 37158
total taxes charged and payable for current expenses, and state 37159
education aid for fiscal year 2007 and 2008, respectively, for all 37160
purposes of Chapter 3317. of the Revised Code; Am. Sub. H.B. 66 of 37161
the 126th General Assembly, including the computation of 37162
transitional aid under Section 206.09.39 of that act, as amended; 37163
and Am. Sub. H.B. 119 of the 127th General Assembly, including 37164
under Section 269.30.80 of that act. 37165

(4) Any amounts payable under division (B)(1) or (2) of this 37166
section shall be reduced by any amount paid under section 3317.026 37167
of the Revised Code if the amount paid under that section was paid 37168
on account of refunded taxes charged against tax-exempt public 37169
utility property for tax year 2005 or 2006 and for which 37170
recomputation is made under division (B) of this section. 37171

(C) The Department of Education shall recompute an eligible 37172

school district's adjusted valuation per pupil, three-year average 37173
adjusted valuation per pupil, and average taxable value for the 37174
purposes of ranking the district under section 3318.011 of the 37175
Revised Code, and determining the district's portion of the basic 37176
project cost under section 3318.032 of the Revised Code, for any 37177
such computation that includes the taxable values certified for 37178
the district for tax year 2005 or 2006 under division (A) of 37179
section 3317.021 of the Revised Code. For computations of 37180
valuation per pupil or average taxable value that include the 37181
taxable value certified for tax year 2005, the recomputation shall 37182
incorporate the taxable values so certified reduced by the 2005 37183
valuation adjustment. For computations of valuation per pupil or 37184
average taxable value that include the taxable value certified for 37185
tax year 2006, the recomputation shall incorporate the taxable 37186
values so certified reduced by the 2006 valuation adjustment. 37187
Within forty-five days after the effective date of this act, the 37188
Department shall adjust the percentile ranking of the district in 37189
the same manner as it was certified to the Ohio School Facilities 37190
in September 2007, but using the 2005 and 2006 valuation 37191
adjustments, and perform the Department's other duties under 37192
section 3318.011 of the Revised Code to reflect the 37193
recomputations, and shall certify the recomputations and other 37194
information required by that section to the Ohio School Facilities 37195
Commission. The Commission shall adjust the portion of basic 37196
project cost to be supplied by the district on the basis of the 37197
department's certification. 37198

Section 733.13. (A) As used in this section, "equity list" 37199
means the school district percentile rankings calculated under 37200
section 3318.011 of the Revised Code. 37201

(B) Not later than thirty days after the effective date of 37202
this section, the Department of Education shall create an 37203
alternate equity list for fiscal year 2008 by recalculating each 37204

school district's percentile ranking under section 3318.011 of the Revised Code and shall certify the alternate equity list to the Ohio School Facilities Commission. For this purpose, the Department shall recalculate every school district's percentile ranking using the district's "valuation per pupil" as that term is defined in the version of section 3318.011 of the Revised Code in effect on and after September 29, 2007. When recalculating the percentile rankings, the Department shall use the same values for "average taxable value," "formula ADM," and "income factor," as those terms are defined in section 3318.011 of the Revised Code, that it used in calculating the original equity list for fiscal year 2008 certified to the Commission on September 5, 2007, and shall not use any updated values for those variables.

(C) The Commission shall use the alternate equity list certified under division (B) of this section to determine the priority for assistance under sections 3318.01 to 3318.20 of the Revised Code in fiscal year 2009 for each school district that has not previously been offered funding under those sections. The alternate equity list shall not affect any school district's eligibility for the Exceptional Needs School Facilities Assistance Program under section 3318.37 of the Revised Code.

(D) Notwithstanding any provision of Chapter 3318. of the Revised Code to the contrary, for each school district that receives the Commission's conditional approval of the district's project under sections 3318.01 to 3318.20 or section 3318.37 of the Revised Code in fiscal year 2009, the district's portion of the basic project cost shall be the lesser of the following:

(1) The amount required under section 3318.032 of the Revised Code calculated using the percentile in which the district ranks on the alternate equity list certified under division (B) of this section;

(2) The amount required under section 3318.032 of the Revised

Code calculated using the percentile in which the district ranks 37237
on the original equity list for fiscal year 2008. 37238

Section 733.14. (A) As used in this section: 37239

(1) "Alternative equity list" means a rank order of all city, 37240
exempted village, and local school districts into percentiles 37241
according to the one-year adjusted valuation per pupil of each 37242
district from lowest to higher adjusted valuation per pupil, 37243
computed as follows: 37244

(The district's total taxable value for tax year 2006 / the 37245
district's formula ADM for fiscal year 2007) - [\$30,000 x (1 -the 37246
district's income factor for fiscal year 2007)] 37247

(2) "Original equity list" means the school district 37248
percentile ranking according to the three-year average adjusted 37249
valuation per pupil of all city, exempted village, and local 37250
school districts calculated under section 3318.011 of the Revised 37251
Code and certified to the Ohio School Facilities Commission on 37252
September 5, 2007. 37253

(3) "Project" has the same meaning as in section 3318.01 of 37254
the Revised Code. 37255

(4) "School district's portion of the basic project cost" 37256
means the portion of the basic project cost computed under section 37257
3318.032 of the Revised Code. 37258

(5) "Total taxable value," "formula ADM," and "income factor" 37259
have the same meanings as in section 3317.02 of the Revised Code. 37260

(B) Not later than thirty days after the effective date of 37261
this section, the Department of Education shall create the 37262
alternative equity list defined in this section and shall certify 37263
that list to the Ohio School Facilities Commission for its use in 37264
determining funding of school district projects for fiscal year 37265
2009, in the manner prescribed in division (C) of this section. 37266

(C) Notwithstanding any provision to the contrary in Chapter 37267
3318. of the Revised Code, for fiscal year 2009 only, in the case 37268
of any school district that has not received funding under 37269
sections 3318.01 to 3318.20 of the Revised Code in any fiscal year 37270
prior to fiscal year 2009 and for which the district's rank on the 37271
alternative equity list is at least fifteen percentiles lower than 37272
the district's rank on the original equity list: 37273

(1) The Commission shall use the district's percentile on the 37274
alternative equity list to determine the district's priority for 37275
assistance and the school district's portion of the basic project 37276
cost for a project under sections 3318.01 to 3318.20 of the 37277
Revised Code, rather than the district's percentile on the 37278
original equity list as otherwise provided under those sections; 37279

(2) The Commission shall use the district's percentile on the 37280
alternative equity list to determine the school district's portion 37281
of the basic project cost for a project under section 3318.37 of 37282
the Revised Code, rather than the district's percentile on the 37283
original equity list as otherwise provided under that section. The 37284
alternative equity list shall not affect any school district's 37285
eligibility and priority for assistance under that section. 37286

The Commission shall not use the alternative equity list to 37287
determine the priority for funding or a school district's portion 37288
of the basic project cost for any other school district or for any 37289
other program administered by the Commission. 37290

(D) If a school district is offered funding under sections 37291
3318.01 to 3318.20 or section 3318.37 of the Revised Code for 37292
fiscal year 2009 based on this section, the district's project 37293
shall proceed as specified in those sections, except as otherwise 37294
provided in this section. 37295

Section 733.15. Notwithstanding division (B) of section 37296
3318.40 of the Revised Code, the Ohio School Facilities Commission 37297

may set aside up to three per cent of the aggregate amount 37298
appropriated to it in fiscal year 2008 for classroom facilities 37299
assistance projects in the Education Facilities Trust Fund 37300
established under section 183.26 of the Revised Code, the Public 37301
School Building Fund established under section 3318.15 of the 37302
Revised Code, and the School Building Program Assistance Fund 37303
established under section 3318.25 of the Revised Code to provide 37304
assistance to joint vocational school districts for the 37305
acquisition of classroom facilities in accordance with sections 37306
3318.40 to 3318.45 of the Revised Code. 37307

Section 733.20. Notwithstanding any provision to the contrary 37308
in Chapter 3314. of the Revised Code, with respect to the 37309
calculation of full-time equivalency under division (L)(3) of 37310
section 3314.08 of the Revised Code, the Superintendent of Public 37311
Instruction shall waive the number of hours or days of learning 37312
opportunities not offered to a student because a community school 37313
was closed during the 2007-2008 school year due to disease 37314
epidemic, hazardous weather conditions, inoperability of school 37315
buses or other equipment necessary to the school's operation, 37316
damage to a school building, or other temporary circumstances due 37317
to utility failure rendering the school building unfit for school 37318
use, so long as the school was actually open for instruction with 37319
pupils in attendance during that school year for not less than 37320
nine hundred twenty hours. For purposes of determining funding for 37321
the community school under Chapter 3314. of the Revised Code for 37322
the 2007-2008 school year, the Department of Education shall treat 37323
the school as if it were open for instruction with pupils in 37324
attendance during the hours or days waived under this section. 37325

Section 733.21. (A) Notwithstanding sections 3313.48, 37326
3313.481, and 3317.01 of the Revised Code, no school district to 37327

which the following conditions apply shall be required to make up 37328
any days or hours a school was closed during the 2007-2008 school 37329
year due to flooding from a burst water pipe: 37330

(1) The flooding caused the school to be closed for only one 37331
day in excess of the number permitted by sections 3313.48, 37332
3313.481, and 3317.01 of the Revised Code and the other schools of 37333
the district were not closed for any days in excess of the number 37334
permitted by those sections. 37335

(2) The length of the school day for the school closed due to 37336
flooding exceeds the minimum number of hours required by the State 37337
Board of Education under section 3313.48 of the Revised Code by at 37338
least one-half hour. 37339

(B) A school district described in division (A) of this 37340
section shall not be considered to have failed to comply with 37341
division (B) of section 3317.01 of the Revised Code during the 37342
2007-2008 school year for purposes of receiving state payments 37343
under Chapter 3317. of the Revised Code in fiscal year 2009. 37344

Section 733.30. (A)(1) The clearinghouse of distance learning 37345
courses established under former sections 3353.20 to 3353.30 of 37346
the Revised Code is hereby moved from the eTech Ohio Commission to 37347
the Chancellor of the Ohio Board of Regents. On and after the 37348
effective date of this section, that clearinghouse shall be 37349
administered by the Chancellor in the manner prescribed by 37350
sections 3353.20 (3333.81), 3353.21 (3333.82), 3353.22 (3333.83), 37351
3353.26 (3333.85), 3353.27 (3333.86), 3353.28 (3333.87), and 37352
3353.29 (3333.88) of the Revised Code, as amended and renumbered 37353
by this act, new section numbers indicated in parentheses, and 37354
section 3333.84 of the Revised Code as enacted by this act. 37355

(2) The Chancellor is thereupon and thereafter successor to 37356
and assumes the obligations of the Commission as they relate to 37357

the distance learning clearinghouse. 37358

(3) Any business commenced but not completed by the 37359
Commission related to the distance learning clearinghouse shall be 37360
completed by the Chancellor in the same manner, and with the same 37361
effect, as if completed by the Commission. No validation, cure, 37362
right, privilege, remedy, obligation, or liability is lost or 37363
impaired by reason of moving the clearinghouse from the Commission 37364
to the Chancellor. 37365

(4) All of the rules of the Commission related to the 37366
distance learning clearinghouse continue in effect as rules of the 37367
Chancellor, until amended or rescinded by the Chancellor. 37368

(B) No judicial or administrative action or proceeding 37369
related to the distance learning clearinghouse, in which the 37370
Commission is a party, that is pending on the effective date of 37371
this section is affected by reason of moving the clearinghouse 37372
from the Commission to the Chancellor. Such action or proceeding 37373
shall be prosecuted or defended in the name of the Chancellor. On 37374
application to the court or other tribunal, the Chancellor of the 37375
Ohio Board of Regents shall be substituted for the eTech Ohio 37376
Commission as a party to such action or proceeding. 37377

(C) On the effective date of this section, all books, 37378
records, documents, files, transcripts, equipment, furniture, 37379
supplies, and other materials related to the distance learning 37380
clearinghouse assigned to or in the possession of the Commission 37381
shall be transferred to the Chancellor. 37382

Section 733.40. DOE MEDICAID SCHOOL COMPONENT OF THE MEDICAID 37383
PROGRAM 37384

Upon the request of the Superintendent of Public Instruction, 37385
the Director of Budget and Management may transfer up to 37386
\$1,000,000 cash and appropriation in fiscal year 2009 from General 37387

Revenue Fund appropriation item 200550, Foundation Funding, to 37388
appropriation item 200603, Schools Medicaid Administrative Claims 37389
(Fund 3AF0). The funds transferred are to be used by the 37390
Department of Education to pay the expenses the Department incurs 37391
in administering the Medicaid School Component of the Medicaid 37392
program established under sections 5111.71 to 5111.715 of the 37393
Revised Code. On June 1, 2009, or as soon as possible thereafter, 37394
the Director of Budget and Management shall transfer cash and 37395
appropriation back to General Revenue Fund appropriation item 37396
200550, Foundation Funding, the total amount transferred in fiscal 37397
year 2009. 37398

The money deposited into the Medicaid School Program 37399
Administrative Fund (Fund 3AF0) pursuant to division (B) of 37400
section 5111.714 of the Revised Code is hereby appropriated to 37401
appropriation item 200603, Schools Medicaid Administrative Claims, 37402
for fiscal year 2009 and shall be used in accordance with division 37403
(D) of section 5111.714 of the Revised Code. 37404

Section 733.50. Notwithstanding divisions (A)(1)(b) and (c) 37405
of section 3333.122 of the Revised Code, an Ohio resident who 37406
first enrolls in an undergraduate program in the 2008-2009 37407
academic year in an education program of at least two years' 37408
duration sponsored by a private institution of higher education in 37409
this state that meets the requirements of Title VI of the Civil 37410
Rights Act of 1964 and that as of July 1, 2008, has a pending 37411
application for a certificate of authorization from the Chancellor 37412
of the Board of Regents pursuant to Chapter 1713. of the Revised 37413
Code shall be an eligible student, as defined in section 3333.122 37414
of the Revised Code. 37415

For purposes of this section, "pending application" means a 37416
submitted application approved as sufficient by the Chancellor and 37417
that has not been otherwise denied or withdrawn. 37418

Section 733.60. The Governor shall consult with the Speaker 37419
of the House of Representatives and the President of the Senate 37420
prior to appointing initial members of the board of trustees of 37421
the Northeastern Ohio Universities College of Medicine under 37422
division (A)(3) of section 3350.10 of the Revised Code. 37423

Section 737.10. HOME MEDICAL EQUIPMENT SERVICE PROVIDERS 37424

If a provider of home medical equipment services holds a 37425
license or certificate of registration scheduled to expire in an 37426
odd-numbered year pursuant to sections 4752.05 and 4752.12 of the 37427
Revised Code, as those sections existed prior to being amended by 37428
this act, the next renewal of the license or certificate that 37429
occurs after the effective date of this section shall be processed 37430
by the Ohio Respiratory Care Board in accordance with the 37431
even-numbered year licensing and registration periods specified in 37432
sections 4752.05 and 4752.12 of the Revised Code, as amended by 37433
this act. The Board shall provide for a proportionate reduction in 37434
the renewal fee that otherwise would apply for renewing the 37435
license or certificate. 37436

Section 743.10. (A) It is the intent of the General Assembly 37437
in amending sections 4301.071, 4303.232, and 4303.33 of the 37438
Revised Code in this act to clarify that the amendments made to 37439
section 4301.43 and the enactment of sections 4303.071 and 37440
4303.232 of the Revised Code by Am. Sub. H.B. 119 of the 127th 37441
General Assembly were not meant to subject the holders of B-2a 37442
permits or S permits to the tax levied under section 4301.43 of 37443
the Revised Code. The imposition of the tax levied under Section 37444
4301.43 of the Revised Code on those permit holders was the result 37445
of a technical drafting error that the General Assembly is now 37446
correcting with this section. 37447

(B) The Tax Commissioner shall determine the amount of tax 37448

that has been levied under section 4301.43 of the Revised Code on 37449
each holder of a B-2a permit and each holder of an S permit and 37450
that should not have been collected for the time period beginning 37451
on October 1, 2007, and ending on December 31, 2007, or for any 37452
period in calendar year 2008 for which a B-2a or S permit holder 37453
has already filed a return and paid the tax levied under section 37454
4303.43 of the Revised Code prior to the effective date of this 37455
section. The Tax Commissioner then shall refund the amounts so 37456
determined to the applicable B-2a permit holders and S permit 37457
holders. 37458

Section 751.10. ICF/MR CONVERSION 37459

(A) As used in this section, "home and community-based 37460
services" has the same meaning as in section 5123.01 of the 37461
Revised Code. 37462

(B) For each quarter of fiscal year 2009, the Director of 37463
Mental Retardation and Developmental Disabilities shall certify to 37464
the Director of Budget and Management the estimated amount to be 37465
transferred from the Department of Job and Family Services to the 37466
Department of Mental Retardation and Developmental Disabilities 37467
for the provision of home and community-based services made 37468
available by the slots sought under section 5111.877 of the 37469
Revised Code. On receipt of the certification from the Director of 37470
Mental Retardation and Developmental Disabilities, the Director of 37471
Budget and Management may do one or more of the following: 37472

(1) Reduce GRF appropriation item 600-525, Health 37474
Care/Medicaid, in the Department of Job and Family Services, by 37475
the estimated amount for providing the home and community-based 37476
services and increase GRF appropriation item 322-416, Medicaid 37477
Waiver - State Match, in the Department of Mental Retardation and 37478
Developmental Disabilities, by the state share of the estimated 37479

amount for the provision of the home and community-based services;	37480
	37481
(2) Increase appropriation item 322-639, Medicaid Waiver -	37482
Federal, in the Department of Mental Retardation and Developmental	37483
Disabilities, by the federal share amount of the estimated amount	37484
for the provision of the home and community-based services;	37485
(3) Increase appropriation item 600-655, Interagency	37486
Reimbursement, in the Department of Job and Family Services, by	37487
the federal share of the estimated amount for the provision of the	37488
home and community-based services.	37489
Section 751.20. MONEY FOLLOWS THE PERSON ENHANCED	37490
REIMBURSEMENT FUND	37491
The Money Follows the Person Enhanced Reimbursement Fund is	37492
hereby created in the state treasury. The federal payments made to	37493
the state under subsection (e) of section 6071 of the "Deficit	37494
Reduction Act of 2005," Pub. L. No. 109-171, shall be deposited	37495
into the Fund. The Department of Job and Family Services shall use	37496
money deposited into the Fund for system reform activities related	37497
to the Money Follows the Person demonstration project.	37498
Section 751.23. JFS MEDICAID SCHOOL COMPONENT OF THE MEDICAID	37499
PROGRAM	37500
At the request of the Director of Job and Family Services,	37501
the Director of Budget and Management may increase the	37502
appropriation in appropriation item 600655, Interagency	37503
Reimbursement, for fiscal year 2009 by the amounts the Department	37504
of Job and Family Services receives from the federal government	37505
for the federal share of Medicaid services provided under, and	37506
administrative costs of, the Medicaid School Component of the	37507
Medicaid program established under sections 5111.71 to 5111.715 of	37508
the Revised Code.	37509

Section 751.30. MORATORIUM ON CLOSURE OF STATE MENTAL HEALTH 37510
FACILITIES 37511

(A) As used in this section, "state mental health facility" 37512
means an institution for the care and treatment of individuals 37513
with mental illness that is maintained, operated, managed, and 37514
governed by the Department of Mental Health pursuant to Chapter 37515
5119. of the Revised Code. 37516

(B) Until six months after the effective date of this 37517
section, neither the Governor nor the Department of Mental Health 37518
shall close a state mental health facility, notwithstanding the 37519
provisions of Chapter 5119. of the Revised Code or any other 37520
provision of the Revised Code under which the Department has 37521
jurisdiction over state mental health facilities. 37522

Section 757.10. The purpose of the amendment by this act of 37523
section 5709.121 of the Revised Code is to clarify the intent of 37524
the General Assembly that institutions of the kind described in 37525
the amendment are charitable institutions for the purposes of that 37526
section as it existed before the effective date of the amendment. 37527
Therefore, the amendment applies to any application for exemption, 37528
or the property that is the subject of such application, pending 37529
before the Tax Commissioner on the effective date of this act or 37530
filed thereafter. 37531

Section 803.03. Notwithstanding division (E)(3) of section 37532
5721.37 of the Revised Code, the holder of a certificate for which 37533
a notice of intent to foreclose has been filed with the county 37534
treasurer before the effective date of this section shall have 37535
ninety days from the effective date of this section to file 37536
foreclosure proceedings in a court of competent jurisdiction. 37537

Section 803.06. The amendment by this act of section 5739.02 37538

of the Revised Code, adding divisions (B)(49) and (50), applies to 37539
sales described in those divisions on or after August 1, 2008. 37540

37541

Section 803.10. That the amendment of section 5747.01 of the 37542
Revised Code by this act applies to taxable years beginning on or 37543
after January 1, 2008. 37544

Section 803.20. The amendment by this act to section 6117.012 37545
of the Revised Code applies to any proceedings, covenant, 37546
stipulation, obligation, resolution, trust agreement, indenture, 37547
loan agreement, lease agreement, agreement, act, or action, or 37548
part of it, pending on the effective date of this act. 37549

Section 803.31. Sections 4117.14 and 4117.15 of the Revised 37550
Code, as amended by this act, apply only to collective bargaining 37551
agreements and extensions and renewals of those agreements entered 37552
into on or after the effective date of those sections as amended 37553
by this act. 37554

Section 803.40. Sections 4123.26, 4123.32, 4123.37, and 37555
4123.54 of the Revised Code, as amended by this act, apply to all 37556
claims pursuant to Chapters 4121., 4123., and 4131. of the Revised 37557
Code arising on and after the effective date of those sections as 37558
amended by this act. 37559

Section 803.50. BOARDS OF ALCOHOL, DRUG ADDICTION, AND MENTAL 37560
HEALTH SERVICES 37561

The amendments made by this act to section 340.02 of the 37562
Revised Code specifying the areas of interest to be reflected in 37563
the composition of a board of alcohol, drug addiction, and mental 37564
health service do not affect the terms of the members holding 37565

office on the effective date of this section. 37566

Section 806.10. The items of law contained in this act, and 37567
their applications, are severable. If any item of law contained in 37568
this act, or if any application of any item of law contained in 37569
this act, is held invalid, the invalidity does not affect other 37570
items of law contained in this act and their applications that can 37571
be given effect without the invalid item or application. 37572

Section 812.10. Except as otherwise provided in this act, the 37573
amendment, enactment, or repeal by this act of a section is 37574
subject to the referendum under Ohio Constitution, Article II, 37575
Section 1c and section 1.471 of the Revised Code. Such an 37576
amendment, enactment, or repeal takes effect on the date specified 37577
below for the amendment, enactment or repeal or, if a date is not 37578
specified below for the amendment, enactment or repeal, on the 37579
ninety-first day after this act is filed with the Secretary of 37580
State. 37581

Sections 9.231, 9.24, 9.835, 107.19, 113.061, 120.08, 121.31, 37582
122.171, 124.821, 125.02, 125.021, 125.022, 125.04, 125.041, 37583
125.05, 125.051, 125.06, 125.07, 125.18, 125.25, 127.16, 133.08, 37584
133.52, 135.101, 135.102, 135.103, 135.104, 135.105, 135.106, 37585
135.61, 135.63, 135.65, 135.66, 145.47, 156.02, 165.01, 165.03, 37586
303.12, 303.211, 303.213, 306.43, 307.697, 317.32, 319.301, 37587
321.261, 340.02, 340.021, 351.26, 519.12, 519.211, 715.73, 715.74, 37588
901.42, 1332.04, 1561.011, 1561.16, 1561.17, 1561.23, 1561.24, 37589
1561.25, 1561.26, 1561.261, 1565.15, 1567.64, 1567.681, 1751.01, 37590
1751.04, 1751.05, 1751.11, 1751.111, 1751.12, 1751.13, 1751.15, 37591
1751.16, 1751.17, 1751.18, 1751.20, 1751.31, 1751.34, 1751.53, 37592
1751.60, 1751.89, 2743.49, 2744.05, 2903.12, 2915.101, 2923.11, 37593
2949.092, 2949.094, 3111.04, 3113.06, 3119.023, 3119.54, 37594
3301.0714, 3310.42, 3311.21, 3311.24, 3313.842, 3313.978, 37595
3314.016, 3314.02, 3314.03, 3314.05, 3314.086, 3314.37, 3316.03, 37596

3316.041, 3316.06, 3316.08, 3317.161, 3317.20, 3319.291, 3323.30, 37597
3323.31 (3323.33), 3323.32 (3323.34), 3323.33 (3323.35), 3333.045, 37598
3333.58, 3333.84, 3335.05, 3341.03, 3343.08, 3344.02, 3345.34, 37599
3350.10, 3352.02, 3353.02, 3353.20 (3333.81), 3353.21 (3333.82), 37600
3353.22 (3333.83), 3353.23, 3353.24, 3353.25, 3353.26 (3333.85), 37601
3353.27 (3333.86), 3353.28 (3333.87), 3353.29 (3333.88), 3353.30, 37602
3354.16, 3355.12, 3356.02, 3357.16, 3359.02, 3361.02, 3364.02, 37603
3365.15, 3703.01, 3734.821, 3735.67, 3743.02, 3743.04, 3743.15, 37604
3743.17, 3743.19, 3743.25, 3743.40, 3743.44, 3743.45, 3743.54, 37605
3743.56, 3743.65, 3743.70, 3743.99, 3901.3814, 3905.40, 3923.281, 37606
3923.443, 3925.101, 3961.04, 4112.12, 4117.14, 4117.15, 4123.26, 37607
4123.32, 4123.37, 4123.54, 4131.03, 4301.355, 4301.421, 4301.424, 37608
4301.62, 4303.041, 4303.182, 4510.10, 4511.01, 4511.101, 4511.181, 37609
4511.191, 4731.65, 4731.71, 4735.01, 4735.02, 4735.10, 4735.13, 37610
4735.14, 4735.141, 4735.142, 4752.04, 4752.05, 4752.06, 4752.07, 37611
4752.11, 4752.12, 4752.13, 4905.84, 4928.142, 4928.20, 4981.14, 37612
5101.26, 5101.5211, 5101.5212, 5101.5213, 5101.5214, 5101.5215, 37613
5101.571, 5101.58, 5101.80, 5104.041, 5111.032, 5111.084, 37614
5111.941, 5123.0412, 5123.36, 5501.09, 5502.68, 5513.01, 5525.01, 37615
5533.94, 5703.19, 5703.21, 5703.57, 5705.194, 5705.199, 5705.214, 37616
5705.29, 5709.121, 5721.30, 5721.31, 5721.32, 5721.33, 5721.34, 37617
5721.35, 5721.36, 5721.37, 5721.371, 5721.38, 5721.381, 5721.39, 37618
5721.40, 5721.41, 5721.42, 5721.43, 5739.01, 5739.029, 5739.09, 37619
5739.12, 5739.122, 5739.124, 5741.04, 5741.12, 5741.121, 5741.122, 37620
5743.021, 5743.024, 5743.321, 5743.323, 5747.01, 5747.02, 37621
5747.082, 5748.022, 5749.17, 6101.53, 6101.55, 6117.01, 6117.011, 37622
6117.012, 6117.04, 6117.05, 6117.06, 6117.25, 6117.251, 6117.28, 37623
6117.30, 6117.34, 6117.38, 6117.41, 6117.42, 6117.43, 6117.44, 37624
6117.45, 6117.49, 6121.045, and 6123.042 of the Revised Code. New 37625
sections 3323.31 and 3323.32 of the Revised Code that replace 37626
sections bearing the same numbers that have been renumbered. 37627
37628
37629

Section 5 of Am. Sub. H.B. 24 of the 127th General Assembly, 37630
Section 203.10 of Am. Sub. H.B. 67 of the 127th General Assembly, 37631
and Sections 103.80.50, 201.30, 201.50, 301.20.20, 301.20.80, 37632
401.11, and 401.71 of H.B. 496 of the 127th General Assembly, all 37633
as amended by this act. 37634

All sections of this act prefixed with a section number in 37635
the 200s. 37636

Sections 701.10, 703.20, 705.10, 711.10, 715.10, 715.40, 37637
733.30, 733.60, 737.10, 757.10, 803.03, 803.10, 803.20, 803.31, 37638
803.40, 803.50, 812.10, 812.40, and 815.10 of this act. 37639

Section 812.20. The amendment, enactment, or repeal by this 37640
act of the following sections is exempt from the referendum under 37641
Ohio Constitution, Article II, Section 1d and section 1.471 of the 37642
Revised Code and takes effect on the date specified below for the 37643
amendment, enactment or repeal or, if a date is not specified 37644
below for the amendment, enactment or repeal, immediately when 37645
this act becomes law. 37646

Sections 105.41, 113.40, 117.13, 117.38, 149.30, 519.213, 37647
713.081, 2903.213, 2903.214, 2907.10, 2919.26, 2943.033, 3107.018, 37648
3113.31, 3314.40, 3317.11, 3318.01, 3318.03, 3318.032, 3318.033, 37649
3318.034, 3318.04, 3326.45, 3326.51, 3333.04, 3333.044, 3333.122, 37650
3501.17, 3702.71, 3702.72, 3702.73, 3702.74, 3702.75, 3702.78, 37651
3702.79, 3702.81, 3702.85, 3702.86, 3702.91, 3702.93, 3702.95, 37652
4906.13, 4906.20, 4906.98, 5101.143, 5101.572, 5111.0210, 37653
5111.091, 5111.31, 5111.71, 5111.711, 5111.712, 5111.713, 37654
5111.714, 5111.715, 5111.874, 5111.875, 5111.876, 5111.877, 37655
5111.878, 5111.879, 5111.8710, 5111.88, 5111.881, 5111.882, 37656
5111.883, 5111.884, 5111.885, 5111.886, 5111.887, 5111.888, 37657
5111.889, 5111.8810, 5111.8811, 5111.8812, 5111.8813, 5111.8814, 37658
5111.8815, 5111.8816, 5111.8817, 5111.94, 5112.311, 5123.196, 37659
5703.82, 5727.84, 5727.85, 5739.21, 5745.05, 5751.20, and 5751.21 37660

of the Revised Code. 37661

The enactment of sections 5112.371 and 5123.0417 of the Revised Code takes effect July 1, 2008. 37662
37663

The amendment of section 5112.37 of the Revised Code takes effect July 1, 2008. 37664
37665

Except as otherwise provided in this paragraph, the amendment of section 5112.31 of the Revised Code takes effect July 1, 2008. 37666
37667
The amendment striking ", except as adjusted under section 5112.311 of the Revised Code," takes effect immediately when this act becomes law. 37668
37669
37670

The repeal of section 5739.213 of the Revised Code takes effect July 1, 2008. 37671
37672

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, 219.10, 235.10, 249.10, 261.10, 263.10, 263.20.10, 263.20.80, 263.30.10, 269.30.30, 269.30.70, 269.40.50, 269.50.30, 275.10, 293.10, 299.10, 307.10, 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. 37673
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Sections 503.10, 503.20, 503.30, 515.10, 515.20, 515.21, 515.30, 515.40, 515.50, 515.60, 707.10, 715.20, 733.10, 733.13, 733.14, 733.15, 733.20, 733.21, 733.40, 733.50, 751.10, 751.20, 751.23, 751.30, 806.10, and 812.20 of this act. 37685
37686
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37688

Section 812.30. The amendment, enactment, or repeal by this act of the following sections provides for or is essential to 37689
37690

implementation of a tax levy, is exempt from the referendum under 37691
Ohio Constitution, Article II, Section 1d, and takes effect on the 37692
date specified below for the amendment, enactment, or repeal or, 37693
if a date is not specified below for the amendment, enactment, or 37694
repeal, immediately when this act becomes law. 37695

Sections 1346.03, 2921.13, and 5739.02 of the Revised Code. 37696

Sections 743.10, 803.06, and 812.30 of this act. 37697

Section 812.40. The amendment by this act of the sections of 37698
law that are listed in the left-hand column of the following table 37699
combine amendments that are and are not exempt from the referendum 37700
under Ohio Constitution, Article II, Sections 1c and 1d and 37701
section 1.471 of the Revised Code. 37702

The middle column identifies the amendments that are subject 37703
to the referendum under Ohio Constitution, Article II, Section 1c 37704
and section 1.471 of the Revised Code and take effect on the 37705
ninety-first day after this act is filed with the Secretary of 37706
State. 37707

The right-hand column identifies the amendments that are 37708
exempt from the referendum under Ohio Constitution, Article II, 37709
Section 1d and section 1.471 of the Revised Code and take effect 37710
immediately when this act becomes law. 37711

Section of law	Amendments subject to referendum	Amendments exempt from referendum	
3317.023	Division (P)	Divisions (A) and (O)	37712 37713

Section 815.10. Section 4301.421 of the Revised Code is 37714
presented in this act as a composite of the section as amended by 37715
both Sub. H.B. 239 and Am. Sub. S.B. 188 of the 121st General 37716
Assembly. The General Assembly, applying the principle stated in 37717
division (B) of section 1.52 of the Revised Code that amendments 37718
are to be harmonized if reasonably capable of simultaneous 37719

operation, finds that the composite is the resulting version of	37720
the section in effect prior to the effective date of the section	37721
as presented in this act.	37722